

ORDINANCE NO. 2015-34

**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-3 ZONE TO OS-1 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 15-12** 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-3 (Single to Four Family Residential District) classification to OS-1 (Office Service District) zoning classification:

The South 200 feet of that part of the NE $\frac{1}{4}$ of Section 11, Twp. 35 North, Range 8 West of the 2nd P.M., in Lake County Indiana, described as follows: Beginning at the NE corner of said Section 11, thence South along the East line of said Section a distance of 462 feet, thence West and parallel to the North line of said Section a distance of 409 feet, thence North and parallel to the East line of said Section a distance of 462 feet to the North line of said Section, thence East along the North line of said Section a distance of 409 feet to the place of beginning, the said South 200 feet containing 1.88 acres, more or less; Also, an easement over and across the West 12 feet of the South 110 feet of the North 262 feet of the East 409 feet of the said NE $\frac{1}{4}$ of Section 11, for the purpose of constructing and maintaining a drain line from the above described property to the drainage creek to the North.

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:

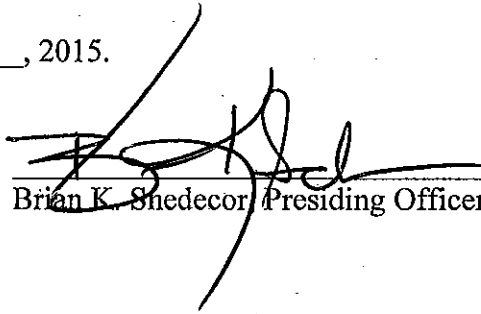
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

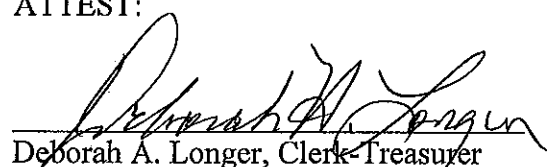
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

2nd day of December, 2015.



Brian K. Snedecor, Presiding Officer

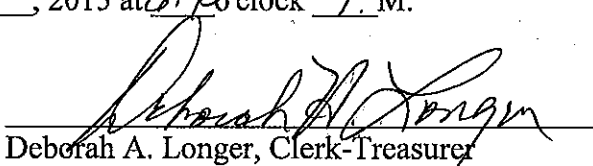
ATTEST:



Deborah A. Longer, Clerk-Treasurer

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

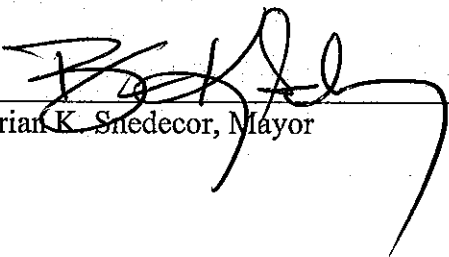
2nd day of December, 2015 at 6:45 o'clock P. M.



Deborah A. Longer, Clerk-Treasurer

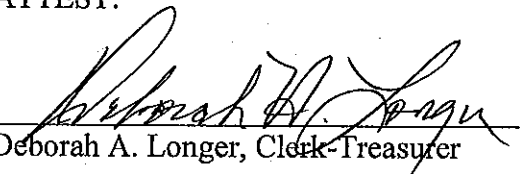
APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 2nd day of

December, 2015.



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: November 9, 2015

PETITIONER: Scott Seeley
75 N. Wisconsin Street
Hobart, IN 46342

REQUEST: Change zone from a R-3 (Single to Four Family Residential District) to OS-1 (Office Service District)

PROPOSED USE: Office Service

GENERAL LOCATION: 6126 Colorado Street

LEGAL DESCRIPTION: The South 200 feet of that part of the NE ¼ of Section 11, Twp. 35 North, Range 8 West of the 2nd P.M., in Lake County Indiana, described as follows: Beginning at the NE corner of said Section 11, thence South along the East line of said Section a distance of 462 feet, thence West and parallel to the North line of said Section a distance of 409 feet, thence North and parallel to the East line of said Section a distance of 462 feet to the North line of said Section, thence East along the North line of said Section a distance of 409 feet to the place of beginning, the said South 200 feet containing 1.88 acres, more or less; Also, an easement over and across the West 12 feet of the South 110 feet of the North 262 feet of the East 409 feet of the said NE ¼ of Section 11, for the purpose of constructing and maintaining a drain line from the above described property to the drainage creek to the North.

PLAN COMMISSION PETITION NO.: 15-12

DATE OF PLAN COMMISSION ACTION: November 9, 2015

DEADLINE FOR CITY COUNCIL ACTION: February 3, 2016

CERTIFICATION:

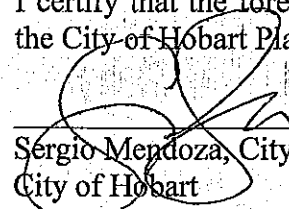
ACTION TAKEN BY PLAN COMMISSION:

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.



Sergio Mendoza, City Planner
City of Hobart

Szeley Rezone

PC 15-12

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.

THIS SUBJECT PARCEL LIES NEAR THE INTERSECTION OF 61ST AVENUE AND COLORADO STREET IN THE SOUTHWEST QUADRANT. IN LIGHT OF THE VOLUME OF TRAFFIC ON THESE STREETS THE FACT THAT THE PROPOSED COMPREHENSIVE PLAN PROVIDES FOR NON-RESIDENTIAL DEVELOPMENT OF THE LARGE PARCEL ACROSS COLORADO STREET TO THE EAST THE BEST AND MOST DESIRABLE USE WOULD BE OFFICE SERVICE. THE RECENT ADDITION OF THE SOUTH SIDE SEWER AND THE RECENT SALE OF THE LARGE PARCEL REFERRED TO ABOVE MAKE NON-RESIDENTIAL DEVELOPMENT OF THE AREA AROUND AND INCLUDING THIS PARCEL A CERTAINTY.

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 PLAN PROPOSES NON RESIDENTIAL DEVELOPMENT OF THE ADJACENT PARCEL.

(c) the land involved is suitable for the proposed land change because:
IT IS NEAR AN INTERSECTION THIS IS SIGNIFICANT AND WOULD SERVE THE ANTICIPATED COMMERCIAL DEVELOPMENT AROUND IT.

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: THE PARCEL IS FLAT AND LEVEL AND DOES NOT ACCUMULATE WATER

(e) the property value of adjacent property would not be decreased because:
COMMERCIAL/OFFICE USE WOULD ENHANCE THE VALUE OF ADJACENT PROPERTIES

[Signature]
Signature of Petitioner/Agent

8/19/2015
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 5th day of November, 2015 by a majority vote of the Hobart Advisory Plan Commission.

[Signature]
Plan Commission President

Attest: [Signature]
Plan Commission Secretary/Zoning Official