

ORDINANCE NO. 2022-07

**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 R-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 22-09** 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 R-3 (Single to Four-Family Residential District) zoning classification:

A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHEAST CORNER OF THE SOUTHWEST QUARTER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 89 DEGREES 40 MINUTES 08 SECONDS WEST ALONG THE SOUTH LINE OF SAID SOUTHWEST QUARTER, A DISTANCE OF 221.43 FEET; THENCE NORTH 00 DEGREES 22 MINUTES 18 SECONDS WEST, A DISTANCE OF 50.00 FEET TO A POINT ON THE NORTH RIGHT-OF-WAY OF 61ST AVENUE BEING THE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 40 MINUTES 08 SECONDS WEST ALONG SAID NORTH RIGHT-OF-WAY LINE, A DISTANCE OF 1098.31 FEET TO A POINT ON THE WEST LINE OF THE SOUTHWEST QUARTER OF SAID SECTION 1 ALSO BEING THE EAST LINE OF RESUBDIVISION OF LOT 9, AMBER CREEK TOWNHOMES AS RECORDED AS DOCUMENT NO. 2004-110111 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA, AND THE EAST LINE OF AMBER CREEK ESTATES, UNIT 1 AS RECORDED IN DOCUMENT NO. 99070676 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA; THENCE NORTH 00 DEGREES 07 MINUTES 43 SECONDS WEST ALONG SAID WEST LINE, A

DISTANCE OF 1125.21 FEET; THENCE NORTH 88 DEGREES 24 MINUTES 26 SECONDS EAST, A DISTANCE OF 201.77 FEET; THENCE NORTH 13 DEGREES 37 MINUTES 07 SECONDS WEST, A DISTANCE OF 73.18 FEET TO A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 750.00 FEET AN ARC LENGTH OF 176.09 FEET SUBTENDED BY A CHORD BEARING NORTH 06 DEGREES 53 MINUTES 33 SECONDS WEST, A DISTANCE OF 175.68 FEET; THENCE NORTH 00 DEGREES 10 MINUTES 00 SECONDS WEST, A DISTANCE OF 74.39 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 17 SECONDS EAST, A DISTANCE OF 223.11 FEET; THENCE SOUTH 00 DEGREES 07 MINUTES 43 SECONDS EAST, A DISTANCE OF 1110.00 FEET; THENCE NORTH 89 DEGREES 52 MINUTES 17 SECONDS EAST, A DISTANCE OF 263.83 FEET; THENCE SOUTH 31 DEGREES 23 MINUTES 28 SECONDS EAST, A DISTANCE OF 116.09 FEET TO A CURVE TO THE RIGHT; THENCE ALONG SAID CURVE HAVING A RADIUS OF 100.00 FEET AN ARC LENGTH OF 54.21 FEET SUBTENDED BY A CHORD BEARING SOUTH 15 DEGREES 51 MINUTES 40 SECONDS EAST, A DISTANCE OF 53.55 FEET; THENCE SOUTH 00 DEGREES 19 MINUTES 52 SECONDS EAST, A DISTANCE OF 24.02 FEET; THENCE NORTH 89 DEGREES 40 MINUTES 08 SECONDS EAST, A DISTANCE OF 431.93 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 88.00 FEET; THENCE SOUTH 89 DEGREES 40 MINUTES 08 SECONDS WEST, A DISTANCE OF 60.00 FEET; THENCE SOUTH 00 DEGREES 22 MINUTES 18 SECONDS EAST, A DISTANCE OF 75.00 FEET TO THE POINT OF BEGINNING.

CONTAINING 680,653 SQUARE FEET OR 15.63 ACRES, MORE OR LESS. SUBJECT TO ALL LEGAL EASEMENTS.

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.

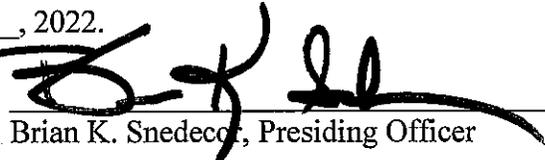
SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of

passage of this Ordinance.

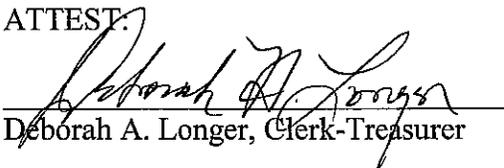
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise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

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

6th day of APRIL, 2022.

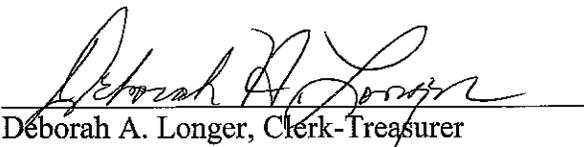

Brian K. Snedecor, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

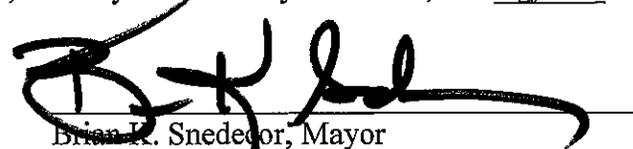
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

6th day of April, 2022 at 6:30 o'clock P M.

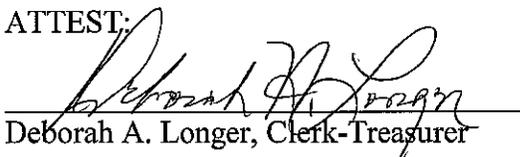

Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 6th day of

April, 2022.


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: Ross Pietrzak, City Planner

RE: Change to be made on the zone map.

DATE: March 8, 2022

PETITIONER: Steiner Homes LTD
Hoepfner, Wagner & Evans LLP
c/o Todd A. Leeth
103 E. Lincolnway
Valparaiso, IN 46383

REQUEST: Proposed rezone from R-1 (Single Family Residential District) to R-3 (Single to Four-Family Residential District)

PROPOSED USE: Proposed mixed residential subdivision consisting of an estimated 69 lots

GENERAL LOCATION: Approximately 400' west from the NW corner of 61st Ave. & Arizona St.

LEGAL DESCRIPTION: A PARCEL OF LAND LOCATED IN THE SOUTHWEST QUARTER OF SECTION 1, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

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CONTAINING 680,653 SQUARE FEET OR 15.63 ACRES, MORE OR LESS. SUBJECT TO ALL LEGAL EASEMENTS.

PLAN COMMISSION PETITION NO.: 22-09

DATE OF PLAN COMMISSION ACTION: March 3, 2022

DEADLINE FOR CITY COUNCIL ACTION: June 1, 2022

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.

A handwritten signature in black ink, appearing to read "Ross Pietrzak", written over a horizontal line.

Ross Pietrzak, City Planner
City of Hobart

613c & ARIZONA
REZONE R.1 to R.3

PC 22.09

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.

See Attached Findings of Fact

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:

See Attached Findings of Fact

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

See Attached Findings of Fact

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

because: See Attached Findings of Fact

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

See Attached Findings of Fact

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 3rd day of March, 20 22 by a majority vote of the Hobart Advisory Plan Commission.

Maria Gallo

Plan Commission President

Attest:

Jaime D. Spain

Plan Commission Secretary/Zoning Official

**CITY OF HOBART
PLAN COMMISSION**

APPLICATION TO AMEND TO THE ZONING MAP

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Steiner Homes, Ltd.
Legal Description: Exhibit "A"
Location: 4010 E. 61st Avenue, Hobart, Indiana 46342
Current Zoning: R-1 – Single Family Residence District
Proposed Zoning: R-3 – Single to Four Family Residence District

The above named Petitioner, by counsel, Todd A. Leeth and Katie L. Kopf of Hoepfner Wagner & Evans LLP, 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 the R-3 – Single to Four Family Residence District to allow for a mixed residential subdivision consisting of approximately 69 lots in accordance with general plans filed with the City pursuant to the provisions found in the Zoning Ordinance.

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 Board of Commissioners, 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 R-3 – Single to Four Family Residence District for the following reasons:

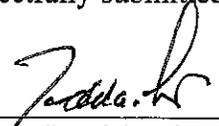
1. The Petition is not “spot zoning” which would confer a special benefit to the Petitioner on a small tract of land with no commensurate benefit to the community or create an isolated zoning district within the City. The Subject Parcel is adjacent to property currently located in the R-3 – Single to Four Family Residence District.
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 conceptual plan of the proposed subdivision compliments the subdivision standards of the comprehensive plan, and will provide for a better quality of community life. All homes in the proposed subdivision will be single-family homes in an area of the City where single-family predominates as the principal land use.
4. The proposed subdivision will provide a diversity of home styles and will promote alternative and varying home values and opportunities for home ownership within the zoning district, the neighborhood community and the City as a whole.
5. The Subject Parcel is suitable for the proposed land change because the property is of adequate size, consisting of approximately 15.80 acres, to support the

proposed mixed residential subdivision. Additionally, the proposed subdivision will consist of a diversity of housing types, including 2-unit villas, 4-unit townhomes, and single-family homes.

- 6. 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.
- 7. The property value of adjacent property would not be decreased because each home will be unique and include modern design and features, and the housing and home styles proposed by the Petitioner are very desirable in the marketplace. Each home will be custom built to meet each homeowners' needs.

Dated this 7th day of February, 2022.

Respectfully submitted,



Todd A. Leeth/Katie L. Kopf
 HOEPPNER WAGNER & EVANS LLP
 103 E. Lincolnway
 Valparaiso, Indiana 46383

Attorneys for Applicant

This Instrument Prepared By:

Todd A. Leeth/Katie L. Kopf
 Hoepfner Wagner & Evans LLP
 103 E. Lincolnway
 Valparaiso, Indiana 46384-2357



MEMORANDUM

DATE: MARCH 8, 2022

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 22-09

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 22-09, a petition request to rezone from R-1 (Single Family Residential District) to R-3 (Single to Four-Family Residential District) zoned R-1, 15 acres +/-

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF MARCH 3, 2022: Present were Attorney Todd Leeths, Dan Steiner and John Hannon, Great Lakes Engineering. Mr. Pietrzak noted the packet received by the Commission included the original legal description that included a tail on the curved street to the southeast. In his discussion with Attorney Leeths, he asked that they stub the street providing a better access and a straight line extending all the way to the southeast. A revised legal was provided correcting the street. Attorney Leeths mentioned the rezone will comprise of 15 acres +/- for the construction of duplexes and townhomes but the overall proposed project will involve 59 acres with an estimated 69 lots. He felt a mixed housing subdivision allows for a variety of types, prices and styles, giving the developer a broader market to offer buyers a different housing style due to their lifestyles. Mr. Vinzant inquired if there were plans to extend to the north. Attorney Leeths stated he was not aware of plans for extension to the north but a road will be stubbed for the possible development of that land. Mr. Steiner mentioned he proposes to construct a large buffer along 61st Avenue and plant pine trees to screen the rear of the townhomes. Attorney Leeths stated that the proposed townhomes along 61st Avenue will offer architectural diversity. When asked about whether the proposed industrial development on the south of 61st Avenue will have an impact to his proposed residential development, Mr. Steiner replied that he has always been aware of the possible industrial use and that it did not cause a concern to him. Ms. Galka opened the public hearing for Petition 22-09. *Jean & John Rokoczy, 3600 E. 61st Avenue. Ms. Rakoczy stated they own the land to the north which is classified as one of the biggest wildlife areas in NW Indiana. They were not opposed to townhomes along 61st Avenue but were not in favor of the north/south R-3 zoning. She questioned that at the time Amber Creek was developed, there was to be an access road to allow their property from being landlocked. She mentioned the only access was to their northern property was the stubbed street within the proposed development. She stated they were informed that if they were to develop their property they would need a lift station and she didn't see any indication for that. She also mentioned there was an arrangement with Amber Creek for a split rail fence to deter people from coming on their property. She requested a fence to complement the existing fence along the non-existing access road. Christine*

Ramirez, 1641 Amber Dr. (via Zoom) was opposed to the R-3 zoning behind the single family homes in Amber Creek. She was not opposed to multi-family along 61st Avenue. Victor Sandaval, 1766 Imperial Dr. inquired if there will be an access off Arizona St. Hearing no further public comments Ms. Galka closed the public hearing. Attorney Leeths stated an unimproved 60' right of way to the west is proposed to be incorporated into the subdivision and access will be provided to the north from the street within the proposed subdivision. He also noted utilities will be engineered at a later date. The creek, at this time, prevents expansion to Arizona Street. Discussion ensued regarding the placement of the multi-family units. Mr. Pietrzak mentioned that when the City bid the project there was a request for mixed uses and this proposal is achieving that request. Mr. Vinzant motion for a Favorable Recommendation to the Common Council for Petition 22-09 including all discussion and Findings of Fact, seconded by Mr. Chhutani. All ayes, motion carried. (8-0)