

ORDINANCE NO. 2022- 29

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

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 22-31** 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 OS-1 (Office Service District) classification to B-3 (Highway Oriented Business District) zoning classification:

Holy Terrace, Lot 1

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 5th day of October, 2022.

Mark C.
~~Brian K. Snedecor~~, Presiding Officer
MATTHEW CLAUSSEN

ATTEST:
Deborah A. Longer
Deborah A. Longer, Clerk-Treasurer

Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this 5th day of October, 2022 at 5:30 o'clock P. M.

Deborah A. Longer
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 5th day of October, 2022.

Brian K. Snedecor
Brian K. Snedecor, Mayor

ATTEST:
Deborah A. Longer
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: September 7, 2022

PETITIONER: Hope Center of Valparaiso/Hope Center Resale Shop
Eric Wood
1 W. Old Ridge Road
Hobart, IN 46342

REQUEST: Proposed rezone from OS-1 (Office Service District) to B-3
(Highway Oriented Business District)

PROPOSED USE: A resale shop in a church

GENERAL LOCATION: Located south of the Old Ridge Rd. & North Lake Park Ave.
intersection

LEGAL DESCRIPTION: Holy Terrace, Lot 1

PLAN COMMISSION PETITION NO.: 22-31

DATE OF PLAN COMMISSION ACTION: September 1, 2022

DEADLINE FOR CITY COUNCIL ACTION: December 6, 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



Ross Pietrzak, City Planner
City of Hobart

MEMORANDUM

DATE: **SEPTEMBER 7, 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 22-31

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 22-31, a petition request to rezone from OS-1 (Office Service District) To B-3 (Highway Oriented Business District) zoned OS-1, 1.40 acre

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF SEPTEMBER 1, 2022: Present was Eric Wood stating that the Nazarene Church was not currently holding services and requested to allow the church owned non-profit resale facility to operate out of the building. Mr. Pietrzak mentioned the issue is that OS-1 allows for church use but not retail facilities and in a B-3, retail facilities are a permitted use and as are churches under a conditional use. Spot zoning is not an issue since to the east of the existing church is a restaurant and across the street is a gas station/convenience store which both is are zoned B-3. He stated that the Future Land Use Map indicates this property as institutional but felt it would be acceptable to B-3 since the use of the church, should it resume services, is still a permitted option. Ms. Galka opened and closed the public hearing for Petition 22-31 without public comments. Mr. Jason motioned for a Favorable Recommendation to the Common Council for Petition 22-31 including all discussion and Findings of Fact, seconded by Mr. Brooks. All ayes, motion carried. (8-0)

Rezone - Nazarene Church

Findings of Fact

In the following space please provide the reason and concept of why you propose to amend the zoning map and provide justification. Consider the following in your response;

- (1) the comprehensive plan;
- (2) current conditions and the character of current structures and uses in each district;
- (3) the most desirable use for which the land in each district is adapted;
- (4) the conservation of property values throughout the jurisdiction; and
- (5) responsible development and growth.

WE ARE FACING EXISTING FACILITY AND RE-ZONING FROM
CHURCH USE TO COMMERCIAL/OFFICE 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:
Proposed zoning compatible with adjacent properties

(c) the land involved is suitable for the proposed land change because:
RE-PURPOSING EXISTING FACILITY. NO CHANGES TO LAND

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: NOT MAKING ANY CHANGES

(e) the property value of adjacent property would not be decreased because:
RE-ZONE WOULD MATCH PROPERTIES ON SIDES AND ACCESS THE STREET

[Signature] 08/09/22
 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 September, 2022 by a majority vote of the Hobart Advisory

Plan Commission.

[Signature]
 Plan Commission President

Attest:

[Signature]
 Plan Commission Secretary/Zoning Official

