

ORDINANCE NO. 2024-05 (As Amended)

**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-1 & R-2 ZONE TO B-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 24-02** 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 B-1 (Neighborhood Business District) & R-2 (Single-family Residential District) classification to B-3 (Highway Oriented Business District) zoning classification:

PART OF THE SW 1/4, NW 1/4 SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 AND 720 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY #30 A DISTANCE OF 500 FEET, THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 480.0 FEET MORE OR LESS TO A POINT 240 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24; THENCE EAST PARALLEL TO THE NORTH LINE OF THE SW 1/4, NW 1/4 SECTION 24 A DISTANCE OF 160.86 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 160 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 100.86 FEET MORE OR LESS TO A POINT 560 FEET WEST OF THE EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24, THENCE SOUTH PARALLEL TO SAID EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 1133.38 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE SAID HIGHWAY 241.86 FEET MORE OR LESS TO A POINT 520 FEET EAST OF THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24; THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION A DISTANCE OF 444.48 FEET; THENCE WESTERLY PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY #30 A DISTANCE OF 520 FEET TO THE WEST LINE OF SECTION 24; THENCE NORTH 45.0 FEET TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM THAT PART DEEDED TO THE CITY OF HOBART, INDIANA BY WARRANTY DEED RECORDED AS INSTRUMENT NO. 2007032928 AS FOLLOWS:

A 60 FOOT BY 242 FOOT PARCEL OF FRONTAGE ALONG THE NORTH SIDE OF U.S. 30 CONTAINING 0.333 ± ACRE OR 14,512 ± SF WHICH IS PART OF THE FOLLOWING PARCEL:

PART OF THE WEST 1/2 OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 AND 720 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY #30 A DISTANCE OF 500 FEET, THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 480.0 FEET MORE OR LESS TO A POINT 240 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24; THENCE EAST PARALLEL TO THE NORTH LINE OF THE SW 1/4, NW 1/4 SECTION 24 A DISTANCE OF 160.86 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 160 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 100.86 FEET MORE OR LESS TO A POINT 560 FEET WEST OF THE EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24, THENCE SOUTH PARALLEL TO SAID EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 1133.38 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF SAID HIGHWAY 241.86 FEET MORE OR LESS TO A POINT 520 FEET EAST OF THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24; THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION A DISTANCE OF 444.48 FEET; THENCE WESTERLY PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF U.S. HIGHWAY # 30 A DISTANCE OF 520 FEET TO THE WEST LINE OF SECTION 24; THENCE NORTH 45.0 FEET TO THE POINT OF BEGINNING.

FURTHER EXCEPTING THEREFROM THAT PART DEEDED TO THE CITY OF HOBART, INDIANA BY WARRANTY DEED RECORDED AS INSTRUMENT NO. 2021-510865, AS FOLLOWS:

A PART OF THE SOUTHWEST QUARTER OF THE NORTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST, LAKE COUNTY, INDIANA, AND BEING THAT PART OF THE GRANTOR'S LAND LYING WITHIN THE RIGHT-OF-WAY LINES DEPICTED ON THE ATTACHED RIGHT-OF-WAY PARCEL PLAT MARKED EXHIBIT "B", DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHWEST CORNER OF SAID SOUTHWEST QUARTER; THENCE SOUTH 00 DEGREES 12 MINUTES 38 SECONDS EAST 720.00 FEET ALONG THE WEST LINE OF SAID SECTION TO THE NORTH LINE OF THE GRANTOR'S LAND AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE SOUTH 89 DEGREES 53 MINUTES 20 SECONDS EAST 50.00 FEET ALONG SAID NORTH LINE; THENCE SOUTH 00 DEGREES 12 MINUTES 38 SECONDS EAST 49.01 FEET TO THE SOUTH LINE OF THE GRANTOR'S LAND, BEING THE POINT DESIGNATED "107" ON SAID EXHIBIT "B"; THENCE NORTH 89 DEGREES 27 MINUTES 16 SECONDS WEST 50.00 FEET ALONG SAID SOUTH LINE TO THE WEST LINE OF SAID SECTION; THENCE NORTH 00 DEGREES 12 MINUTES 38 SECONDS WEST, 48.63 FEET ALONG SAID WEST LINE TO THE POINT OF BEGINNING, AND CONTAINING 0.056 ACRES, MORE OR LESS, INCLUSIVE OF THE PRESENTLY EXISTING RIGHT OF WAY, CONTAINING 0.013 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:

Contingent on dedicating the east/west parcel north of Lots 3 & 4 in Welsh Plaza to the City for right of way

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 FEBRUARY, 2024.

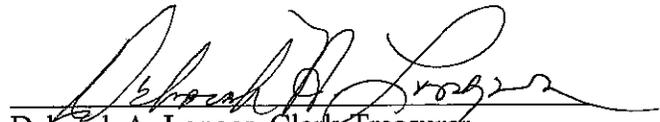

Josh Huddlestun, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

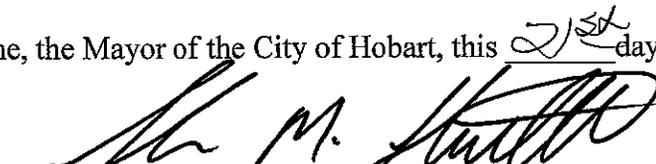
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

21st day of FEBRUARY, 2024 at 6:20 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

FEBRUARY, 2024.


Josh Huddlestun, Mayor

ATTEST:


Deborah A. Longer, Clerk-Treasurer

Bl ER.
40
B-3

BUNAMI
CAR WASH

PC 24-02

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.

Due to the proposed use of the property as a commercial car wash and after discussion with Hobart city planning, we request re-zoning of the entire parcel to "B3".

The proposed commercial use of the property is consistent with other neighboring properties along the access roadway.

Improvements to the currently vacant property will attract customers who will be likely to also provide business to neighboring properties.

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 proposed commercial use of the property is consistent with other neighboring properties along the frontage roadway.

(c) the land involved is suitable for the proposed land change because:
Access to the property will be available from the existing frontage roadway, consistent with adjacent properties.

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: Topographic conditions are shown to be adaptable to the improvements such that all drainage will be self-contained within the parcel.

(e) the property value of adjacent property would not be decreased because:
Improvements to the property will enhance the use of adjacent properties by attracting new customers to established businesses.

David Dobbins

12/8/2023

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 4th day of January, 2024 by a majority vote of the Hobart Advisory Plan Commission.

Marie Gallo

Plan Commission President

Attest:

Mariah...

Plan Commission Secretary/Zoning Official

**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: Connor Miller, Zoning Administrator

RE: Change to be made on the zoning map.

DATE: January 12, 2024

PETITIONER: Dave Dobkowski
14528 S. Outer Road
Chesterfield, OH 63017

REQUEST: Change zone from B-1 (Neighborhood Business District) & R-2
(Single Family Residential) classification to B-3 (Highway
Oriented Business District)

PROPOSED USE: Tsunami car wash

GENERAL LOCATION: Located approximately 600' east from the NE corner of US 30 &
Colorado Street

LEGAL DESCRIPTION PART OF THE SW 1/4, NW 1/4 SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA DESCRIBED AS FOLLOWS: BEGINNING AT A POINT ON THE WEST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 AND 720 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST PARALLEL TO THE NORTH LINE OF U.S. HIGHWAY #30 A DISTANCE OF 500 FEET, THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 480.0 FEET MORE OR LESS TO A POINT 240 FEET SOUTH OF THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24; THENCE EAST PARALLEL TO THE NORTH LINE OF THE SW 1/4, NW 1/4 SECTION 24 A DISTANCE OF 160.86 FEET; THENCE NORTH PARALLEL WITH THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24 A DISTANCE OF 160 FEET; THENCE EAST PARALLEL WITH THE NORTH LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 100.86 FEET MORE OR LESS TO A POINT 560 FEET WEST OF THE EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24, THENCE SOUTH PARALLEL TO SAID EAST LINE OF THE SW 1/4, NW 1/4 OF SAID SECTION 24 A DISTANCE OF 1133.38 FEET MORE OR LESS TO THE NORTHERLY RIGHT-OF-WAY LINE OF U.S. HIGHWAY #30; THENCE WESTERLY ALONG THE NORTHERLY RIGHT-OF-WAY LINE SAID HIGHWAY 241.86 FEET MORE OR LESS TO A POINT 520 FEET EAST OF THE WEST LINE OF THE NW 1/4 OF SAID SECTION 24; THENCE NORTH PARALLEL TO THE WEST LINE OF THE NW 1/4 OF SAID SECTION A DISTANCE OF 444.48 FEET; THENCE WESTERLY PARALLEL TO THE NORTH RIGHT-OF-WAY LINE OF HIGHWAY #30 A DISTANCE OF 520 FEET TO THE WEST LINE OF SECTION 24; THENCE NORTH 45.0 FEET TO THE POINT OF BEGINNING.

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PLAN COMMISSION PETITION NO.: 24-02

DATE OF PLAN COMMISSION ACTION: January 4, 2024

DEADLINE FOR CITY COUNCIL ACTION: April 11, 2024

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: Contingent on dedicating the east/west parcel north of Lots 3 & 4 in Welsh Plaza to the City for right of way

VOTE: 7-0

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



Connor Miller, Zoning Administrator
City of Hobart

MEMORANDUM

DATE: JANUARY 12, 2024

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR JOSH HUDDLESTUN
CITY ATTORNEY HEATHER McCARTHY

FROM: CONNOR MILLER, ZONING ADMINISTRATOR

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 24-02

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 24-02, a petition request for a Rezone from B-1 (Neighborhood Business District) & R-2 (Single-Family Residential) to B-3 (Highway Oriented Business District) for property located approximately 600' east from the NE corner of US 30 & Colorado Street for a proposed Tsunami Car Wash, zoned B-1 & R-2, 6.24 acres

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JANUARY 4, 2024: Present was Mike Hoff, Weihe Engineers, 5307 Jefferson Roundabout, Carmel, IN. Ms. Galka opened the public hearing for Petition 24-02. *Timothy Kruger, P.O. Box 829, Chesterton, IN 46304, 219-508-3031 stated he was the owner of the Wendy's restaurant since 2001 and was not opposed to the rezone.* Hearing no further public comments, Ms. Galka closed the public hearing. Ms. Galka mentioned she was unsure whether to move forward with a recommendation to the Council not having reviewed the engineering comments and whether they may apply to the rezone. Mr. Allen felt the rezone was appropriate for that challenged parcel. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 24-02 contingent on dedicating the east/west parcel north of Lots 3 & 4 to the City for right of way including all discussion and Findings of Fact, seconded by Mr. Emig. All ayes, motion carried. (7-0)

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 2024-05

(PLEASE PRINT)

MEETING DATE: FEBRUARY 21, 2024

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

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

ITEM TO BE ADDED TO AGENDA REVISE PC 24-02 ORDINANCE 2024-05

REZONE FROM B-1 & R-2 TO B-3
TO INCLUDE "CONTINGENT ON DEDICATING THE EAST/WEST PARCEL
NORTH OF LOTS 3 & 4 IN WELSH PLAZA TO THE CITY FOR RIGHT OF WAY"

2/21/24
Council: Please amend ORD. 2024-05 and
substitute with this version that include
the conditions.
Dr.

SUPPORTING DOCUMENTATION ATTACHED MEMO/MINUTES, ORDINANCE,
FINDINGS OF FACT & CERTIFICATION & REPORT

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

DATE SUBMITTED FEBRUARY 13, 2024