

ORDINANCE NO. 2025-07 (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 R-3 ZONE TO M-1 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 25-02** 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 R-3 (Single to Four-Family Residential District) classification to M-1 (Light Manufacturing District) zoning classification:

PARCEL 1:

THE NORTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA. EXCEPTING THEREFROM: LOT 1, EWEN'S ADDITION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 90, PAGE 46 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

LESS AND EXCEPT THAT PROPERTY CONVEYED BY QUIT CLAIM DEED BETWEEN DEEP RIVER FARM, LLC, AN INDIANA LIMITED LIABILITY COMPANY BY AND THROUGH ELINOR O. DAVIS, ITS MANAGING MEMBER TO THE CITY OF HOBART, INDIANA, DATED APRIL 25, 2011 AND RECORDED ON OCTOBER 31, 2011 AS INSTRUMENT NUMBER 2011-060601; AND RECORDED TO CORRECT THE GRANTOR'S NAME TO EWEN DEEP RIVER FARM, LLC, AN INDIANA LIMITED LIABILITY COMPANY, DATED MARCH 21, 2012 AND RECORDED ON MARCH 29, 2012 AS INSTRUMENT NUMBER 2012-021839, AFORESAID RECORDS.

LESS AND EXCEPT THAT PROPERTY CONVEYED BY WARRANTY DEED BETWEEN EWEN DEEP RIVER FARM, LLC, AN INDIANA LIMITED LIABILITY COMPANY AND DOUBLE BARREL FARMS, LLC, AN INDIANA LIMITED LIABILITY COMPANY, DATED MARCH 17, 2016, RECORDED ON MARCH 21, 2016 AS INSTRUMENT NUMBER 2016-017001, AFORESAID RECORDS.

PARCEL 2:

PART OF THE WEST HALF OF THE NORTHWEST QUARTER OF SECTION 7, TOWNSHIP 35 NORTH, RANGE 7 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT A POINT ON THE WEST LINE OF SAID NORTHWEST QUARTER WHICH IS 288 FEET SOUTH OF THE NORTHWEST CORNER THEREOF; THENCE EAST, PARALLEL TO THE NORTH LINE OF SAID SECTION, TO A POINT A LINE WHICH BEARS NORTH 8 DEGREES 17 MINUTES 30 SECONDS WEST FROM A POINT ON THE SOUTH LINE OF SAID WEST HALF OF THE NORTHWEST QUARTER WHICH IS 91.74 FEET WEST OF THE SOUTHEAST CORNER THEREOF; THENCE SOUTH 8 DEGREES 17 MINUTES 30 SECONDS EAST, ALONG SAID LINE, 2,377.24 FEET TO SAID SOUTH LINE; THENCE WEST ALONG SAID SOUTH LINE TO THE SOUTHWEST CORNER OF SAID NORTHWEST QUARTER; THENCE NORTH ALONG THE WEST LINE OF SAID NORTHWEST QUARTER TO THE POINT OF BEGINNING.

EXCEPTING THEREFROM PARCEL 1 AND PARCEL 2:

THAT PART OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN, IN LAKE COUNTY, INDIANA.

COMMENCING AT THE NORTHEAST CORNER OF SAID NORTHEAST QUARTER OF SECTION 12; THENCE SOUTH 00 DEGREES 01 MINUTES 59 SECONDS EAST, ALONG THE EAST LINE OF SAID NORTHEAST QUARTER, A DISTANCE OF 200.00 FEET TO THE POINT OF BEGINNING.

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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:

If the data center does not move forward ~~with this developer~~ that the M-1 zoned property reverts back to R-3 zoning
(Revised 1/15/25)

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.

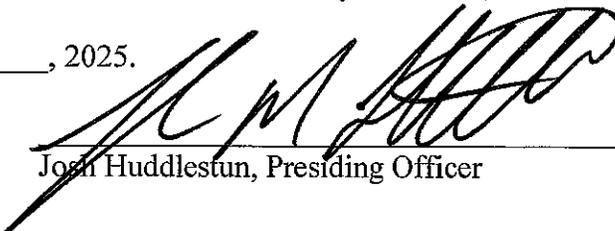
SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized

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 FEBRUARY, 2025.


Josh Huddlestun, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

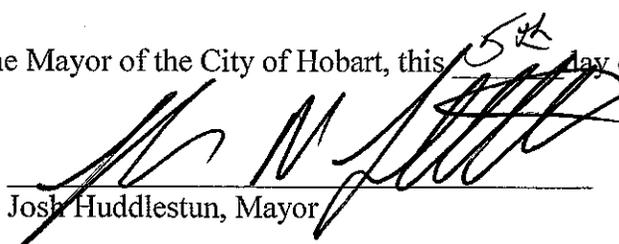
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

5th day of FEBRUARY, 2025 at 7:00 o'clock P. M.

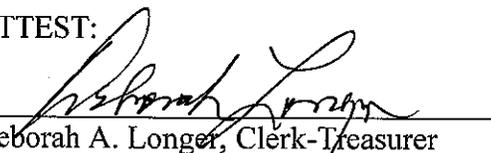

Deborah A. Longer, Clerk-Treasurer

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

FEBRUARY, 2025.


Josh Huddlestun, 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: Steve McDermott, City Planner

RE: Change to be made on the zoning map.

DATE: January 13, 2025

PETITIONER: Hobart Devco LLC
c/o Attorney Todd Leeth
2700 Valparaiso St. #2412
Valparaiso, IN 46384

REQUEST: Change zone from R-3 (Single to Four-Family Residential District)
classification to M-1 (Light Manufacturing District)

PROPOSED USE: Data Center

GENERAL LOCATION: SE of the 61st Ave. & Arizona St. intersection

LEGAL DESCRIPTION PARCEL 1:

THE NORTH HALF OF THE NORTHEAST QUARTER AND THE NORTH HALF OF THE SOUTH HALF OF THE NORTHEAST QUARTER OF SECTION 12, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN IN LAKE COUNTY, INDIANA. EXCEPTING THEREFROM: LOT 1, EWEN'S ADDITION, AS PER PLAT THEREOF RECORDED IN PLAT BOOK 90, PAGE 46 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

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PLAN COMMISSION PETITION NO.: 25-02

DATE OF PLAN COMMISSION ACTION: January 2, 2025

DEADLINE FOR CITY COUNCIL ACTION: April 13, 2025

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

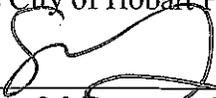
Recommendation to the Common Council to Approve the change of zone requested
(Favorable recommendation)

CONDITIONS: If the data center does not move forward with this developer that the M-1 zoned property reverts back to R-3 rezoning

VOTE: 8-0

I certify that the foregoing information accurately represents the action taken on this matter by

the City of Hobart Plan Commission.



Steve McDermott, City Planner
City of Hobart

MEMORANDUM

DATE: JANUARY 13, 2025

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

FROM: STEVE McDERMOTT, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 25-02

Attached please find a Certification and Proposed Ordinance for your consideration regarding a request for a Rezone from R-3 (Single to Four-Family Residential District) to M-1 (Light Manufacturing District) for property located SE of the 61st Ave. & Arizona St. intersection, zoned R-3, 168 acres

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JANUARY 2, 2025: Present and representing Hobart Devco LLC was Attorney Todd Leeth. A power point presentation was provided depicting the proposed data center project. Shown was an architectural concept plan depicting six 2-story buildings between 300,000sf to 350,000sf per building on a footprint of 148,000sf., 1,953 lineal feet of frontage and to setback 557' along 61st Ave. Proposed is landscaping on top of a berm. A metal security fence will surround the buildings. The fan equipment and generators will be behind walls and screens and will meet the City's Noise Ordinance. Based on the number of employees traffic will be minimal with no semi-truck traffic. They have prepared a study and are currently in negotiations with NIPSCO. Mr. Leeth mentioned they must first receive approval for the rezone for the data center prior to moving forward with the proposed subdivision, site plan and engineering review. He noted that per the Comprehensive Plan, the area is designated as an employment center that encourage development that is largely compatible with adjacent residential and other less intensive land uses supporting high technology and service-based activities. He feels this development is a better fit in the Comprehensive Plan than the current zoning classification. It is a low impact development, high access values and has virtually no burden on city services. Mr. Allen felt the entrance should be relocated to the proposed Arizona St. and to create a bike trail between the berm and pipe line. Mr. Leeth mentioned the computer mainframe will be 100% air cooled. Ms. Galka opened the public hearing for Petition 25-02. *Mayor Huddlestun noted when he was on the council, he voted against the rezone for the property to the west due to the over whelming concerns of the residents regarding the truck traffic, the aesthetics of manufacturing, the noise and the burden it would cause to the residents. After becoming mayor, he was interested in finding a use with a very low impact and a high return to the community. After touring the Hammond data center, he was impressed by the lack of noise, cleanliness and the overall lack of burden on city services. He felt the data center will create the least amount of impact to the residents and the highest return to the city and requested the commission to support the rezone. Tony, President of FOP Lodge 121 on behalf of the Lodge 121 was in support of the data center. Stated the Hammond data center does not have a lot of traffic and did not have an effect on the*

police or fire. Resembles an office building. Dennis Frizzell, Jr. 900 Memory Lane stated his family owns property to the east at 4785 E 61st Ave. which does not have city utilities and inquired if the data center would provide support for their property since they have to look at the building. He also inquired due to the close proximity of the river, if an environmental impact has been studied. Scott Seeley, 6126 Colorado St. inquired as to who will be paying for the road improvements, signage, snow plowing, police & fire. Ms. Galka informed him that would be addressed during site plan approval. Bill Eich, 1777 Gurney St. mentioned that the mayor had eluded to the fact that he looked into different uses for the property but the residents had not been informed of the other possibilities for the property. He questioned the height of the buildings and the location of the fence. He asked if the property is rezoned to M-1 and the data center does not come to fruition, could the property revert back to the original zoning of R-3. Mr. Allen stated that a stipulation could be made in the motion upon approval. He inquired if the data center will receive a lesser rate from NIPSCO which in turn be passed on to the residents. He asked who will be responsible for the cost of the switch station, electrical substation and infrastructure. He also questioned if something could be in place to monitor the noise. Joseph Conn, 910 Lake St. he was also in favor to revert the zoning back to R-3 or A-1 should the proposed data center fall through. He also asked if the proposed data center will receive a special rate from NIPSCO which will be made up by the residents. Robert Fulton, 717 S. Washington St. stated back in the 1950s/1960s the county designated unincorporated land as residential assuming it will be developed as housing which never happened. He mentioned property owners have the right to petition the city to designate how they use their property. Jake Cseke, 1205 Lincoln St. felt that the City had a say in determining the zoning for this property and was done when approving the Comprehensive Plan. He felt other uses could be appropriate such as business, commercial or mixed uses that the city could have chosen. He stated this was against several public hearings that showed many citizens in the city did not want industrial in this area. He stated that the consultant appeared before the council and informed them that the public was not happy with industrial and to change it to a study area but 2 members no longer on the council insisted on industrial. In his opinion, the public has lost faith in city government in regards to this matter and do not feel they were heard. Was not in favor of the rezone. Sally Davis, 4757 E. 61st Ave. felt it was good for the city and was in favor. Margaret Mcilvenna, 241 Court Ct. grew up in that area when it was a rural area and was not in favor. Myra Cseke, 1205 Lincoln St. also questioned who will be responsible for the cost of all the additional infrastructure to accommodate the data center and should not be passed down to the tax payers & working families. Agreed that if the data center does not happen, to revert the zoning back to residential. Also the Noise Ordinance needs to be revisited. Data centers transmits a low frequency noise that cannot be diverted with berms and feels she could still be effected on Lincoln St. She asked to take into consideration the financial impact on families as well as the environmental impact of our air quality, water quality and the quality of life. Sandy O'Brien, 5500 Lincoln St. stated she researched data centers and people complain about the noise and that the hum can transmit 2 1/2 miles. From an environmental and health stand point, was not in favor. David Ellis, 2833 W. 38th Pl. felt the city should not push this through without doing additional research on data centers. There are potential impacts to nearby residents. Suggested proposing an ordinance to ensure power lines are buried. Was troubled not knowing what is being proposed. Although most centers have a light impact but others are heavy industry with power lines and cooling equipment. He suggested a 3rd party to inspect the noise transmitted. Andrew Kiser, 2951 Emerald Dr. was in favor of development but questioned whether it was better suited somewhere else. Was also concerned with the noise and additional infrastructure

affecting the neighborhood in the area. Jeff Lindsey, 1490 W 4th St. stated per a security standpoint, M-1 is less intrusive to residents but data centers are a cyber security target and questioned how the city will handle an attack. Leeann Perunko, 405 W Old Ridge Rd. Cyber security is also a concern and questioned who will be filling the jobs. Ronald Reed, Valparaiso, Assistant Fire Chief stated there will be minimal services to the fire department. The buildings will be required to be sprinkled due to their size and should a fire occur, it would be out before they arrived. The city must attract infrastructure to help cover the cost of replacing their vehicles. Mr. Molinaro, 135 W 2nd St. stated he is a master gardener and manages a farm where he teaches vocational skills and inquired the future of the buildings should the technology be outdated. He feels the Comprehensive Plan is reckless and inappropriate and that the city has turned their back on farmers. Brian Sons, Hobart Fire Dept. this is a low impact use. Bill Eich, 1777 Gurney St. Sec. F in the Findings of Fact it was stated the adjacent property values would not be decreased and questioned the data behind how it determined the property values in his subdivision would not be affected. He noted that the mayor mentioned multiple uses had been looked at and felt to win the residents over asked if the mayor would be willing to meet with the residents in the subdivisions to the north and inform them of the other uses proposed in that location. He was not in favor and requested to at least table until additional information was available pertaining to data centers. Myra Cseke was pleased to hear the fire department felt this was a low impact for their services but because this is in a TIF District questioned whether the money has to stay in the district or if it could be used to help fund the fire department vehicles. Mayor Huddleston stated Indiana allows TIF funds to purchase public safety equipment and salaries. He stated that since the rezone was published, his office had not received one call in opposition. Also have had several conversations with NIPSCO and was assured the proposed rate increase has nothing to do with data centers being built. He has spoken with multiple developers regarding residential south of 61st Avenue and they are not interested after they learn it is not in the city school system. Business and commercial uses were considered but the truck traffic was a huge concern. Data centers makes the grid more consistent due to demand. He promised, as his job of mayor, that his commitment to the residents is whatever is proposed by the data center they will deliver. Via Zoom Jennifer Williams, 1690 Sapphire Ct. mentioned that the average lifespan of a data center is 15 to 20 years and asked what will become of the buildings surrounded by a metal fence. She agreed landowners have a choice in how they want the land to be zoned but residents should also have an opinion in what is detrimental or a positive impact to their homes, values and children. She contacted the IURC regarding NIPSCO's proposed rate increase and was advised it is directly in support of economic development. She questioned how this will impact the resident's wells once they start digging since the ground has been farmed and probably contains fertilizer. The high salary jobs are not guaranteed to Hobart residents. Scientific studies that have been published regarding data centers note the noise levels are not extremely loud, affects logical reasoning, mathematic calculations and data processing. She stated if used for residential, it will put a burden on fire and police services and feels it is fear mongering. Residential and industrial do not mix. Via Zoom Molly Arroyo, 1681 Ruby Ct. her concerns are that Mr. Leeth stated the clients will dictate the appearance and height of the buildings and that the units will be air cooled which leads to her believe the 2-story buildings will be taller than normal. She feels the monthly testing of the generators will be noisy. Hearing no further public comments, Ms. Galka closed the public hearing. Mr. Leeth addressed the public's comments. He stated many of the concerns and comments heard do not have to do with the use of the property, but everything to do with developmental standards and will be addressed during site plan review. He stated the most

important item his clients look for a data center is to follow the power lines. The property is located on a thoroughfare which does not involve driving through a residential subdivision. An environmental impact study was not done since there is no federal funding involved. The developer will ensue all costs of the proposed development. The peak of the parapet is proposed at 65'. The pipeline is set back 67' off 61st Avenue and they are proposing an additional setback of 490'. NIPSCO required his client to pay hundreds of thousands of dollars just for the study to determine they have the power to provide to the data center and if there are additional costs to provide and extend the service, it is the responsibility of his client, not the rate payers. Pat Kline from Virginia is an engineer that has designed data center. He stated the overhead power lines will remain 100% on their property and will encroach on neighboring properties. The cost of the substation, whether it is built by NIPSCO or the data center, is entirely the responsibility of the data center. If water and sewers are not able to be extended the centers will be air cooled, otherwise they may become some form of water cooled. The buildings are taller if air cooled and shorter if water cooled. Mr. Leeth mentioned regarding to the noise element, the parapet height is 65' which allows for the placement of 10' acoustical panels to surround the cooling fans and keep the sound down. There are no air quality emissions and lighting will be designed to point downward. He could not guarantee the positions offered will be filled by Hobart residents but felt they will be by local residents. He felt this use will not negatively impact property values due to landscaping and buffering. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 25-02 with the stipulation if the data center does not move forward with this developer that the M-1 zoned property reverts back to R-3 including all discussion and Findings of Fact, seconded by Mr. Emig. All ayes, motion carried. (8-0)

REZONE
R3 to M4

PLEASE
SEE ATTACHED

PC 25-02

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.

See Attached

Petitioner's Proposed 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:

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

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

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

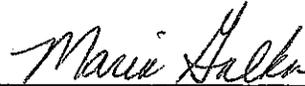
Signature of Petitioner/Agent

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 JANUARY, 2025 by a majority vote of the Hobart Advisory Plan Commission.



Plan Commission President

Attest:



Plan Commission Secretary/Zoning Official

**CITY OF HOBART
PLAN COMMISSION**

APPLICATION TO AMEND TO THE ZONING MAP

PETITIONER'S PROPOSED FINDINGS OF FACT

Petitioner: Hobart Devco, LLC
Legal Description: Exhibit "A"
Location: 8960 Ridge Road, Hobart, Indiana 46342
Current Zoning: R-3 – Single to Four Family Residence District
Proposed Zoning: M-1 Light Manufacturing District

The above named Petitioner, by counsel, Todd A. Leeth of Leeth Law LLC, 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" (hereinafter referred to as the "Subject Parcel") attached hereto and incorporated herein from the R-3 – Single to Four Family Residence District to a M-1 Light Manufacturing District to allow for a data center use and existing and future lighting manufacturing uses then permitted.

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 Common Council, 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 supported by the facts and circumstances and the Zone Map should be amended to change the zoning classification for the Subject Parcel on the official zone map to the M-1 Light Manufacturing District designation for the following reasons:

1. The proposed project site is approximately 168 acres and is currently undeveloped land. The proposed project would develop the site with an attractive, six-building, best-in-class data center campus. It is anticipated that building construction will occur in phases.
2. Data Center use is beneficial for this site in several ways, because it generates significantly less traffic than other industrial, institutional or office uses; creates no strain on other public facilities such as schools, libraries, and parks; offers local tax base boost; and will be architecturally pleasing.
3. Data center use generates significantly less vehicle trips as compared to other uses. While data center buildings are moderately sized, the vast majority of interior space is used to house equipment rather than employees.
4. Generally, each approximately 350,000 SF data center building expects between 15 to 40 employees, based upon industry standards. Individual tenants may vary within this range. Assuming the approximate middle of this range, 28 employees, at 4 vehicle trips per day (a trip is one way), each building would generate about 112 trips per day. The estimated 4 trips per day would be to and from work and to and from lunch or an errand outside of the campus. For six buildings at maximum build out, the overall estimate for employee trips is about 672 vehicle trips per day.
5. While trucks will be entering the site during the construction phase, data center use does not require truck traffic on a daily basis the way traditional M-1 Light Manufacturing uses would otherwise expect traffic with warehousing or other distribution facilities. The overall traffic intensity is low and unlike other manufacturing uses, there is virtually no activity regularly occurring in the parking and outdoor areas of the property. Data center use is low from a traffic generation standpoint and also low from an outdoor loading and activity standpoint.
6. Noise and sound generation is minimal and noise that is generated is abated with noise attenuation measures. Many older data centers were built and sound was a problem. Over the last decade, the industry has mitigated this concern with improved technologies, new equipment design and innovation. The equipment selection for the project will be based upon delivering the full build-out at, or below, the City's noise ordinance standards. In addition to quieter equipment, the project team focuses site design efforts to incorporate measures to further reduce

any sound. Design techniques such as facing equipment yards inward such that the buildings themselves act as sound walls, raised berming of landscaped areas and providing generous setbacks all help to further reduce sound.

7. Data center use, with relatively few employees has a very minimal impact on local public facilities such as parks, police and fire, libraries and schools.
8. A data center use as described above will add significant revenue to the city without a parallel burden on current and/or future public facilities. The impacts on schools and libraries are virtually non-existent, as are demands on fire and rescue and public safety officials as well as parks and recreation facilities.
9. The average data center employee salary for this area is approximately \$120,000, with some positions having significantly higher pay.
10. There are multiple existing 345 kV transmission circuits adjacent to the site, with no third-party right-of-way required. This makes the Subject Property particularly well suited for a data center development. To date, discussions with NIPSCO have been very positive and they strongly recommend the Subject Parcel for data center use. A Feasibility Study Agreement has been executed and funded for transmission/generation planning and design MOU discussions began the week of December 2, 2024, for funding and securitization requirements and special contract rate design.

The rezone should be granted because:

- a) 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 M-1 Light Manufacturing District.
- b) The comprehensive plan anticipates and encourages changes in City planning to meet changing needs and circumstances.
- c) The comprehensive plan will not be disrupted or destroyed because the uses within the M-1 Light Manufacturing District compliment the goals and objectives of the comprehensive plan, and will provide for a better quality of community life and promote responsible development and growth. The Hobart 2040 Plan, Vision and Future Land Use chapter includes Fig. 11, its Future Land Use map (see below) designates the Subject Property as “Employment Center”, which seems

inconsistent with the existing residential zoning district now. The Hobart 2040 Plan provides:

More than 25% of Hobart is currently undeveloped, a large amount of which is ripe for future investment as opportunities arise. The future land use strategy sets forth expectations for the development community, while allowing for much needed flexibility.

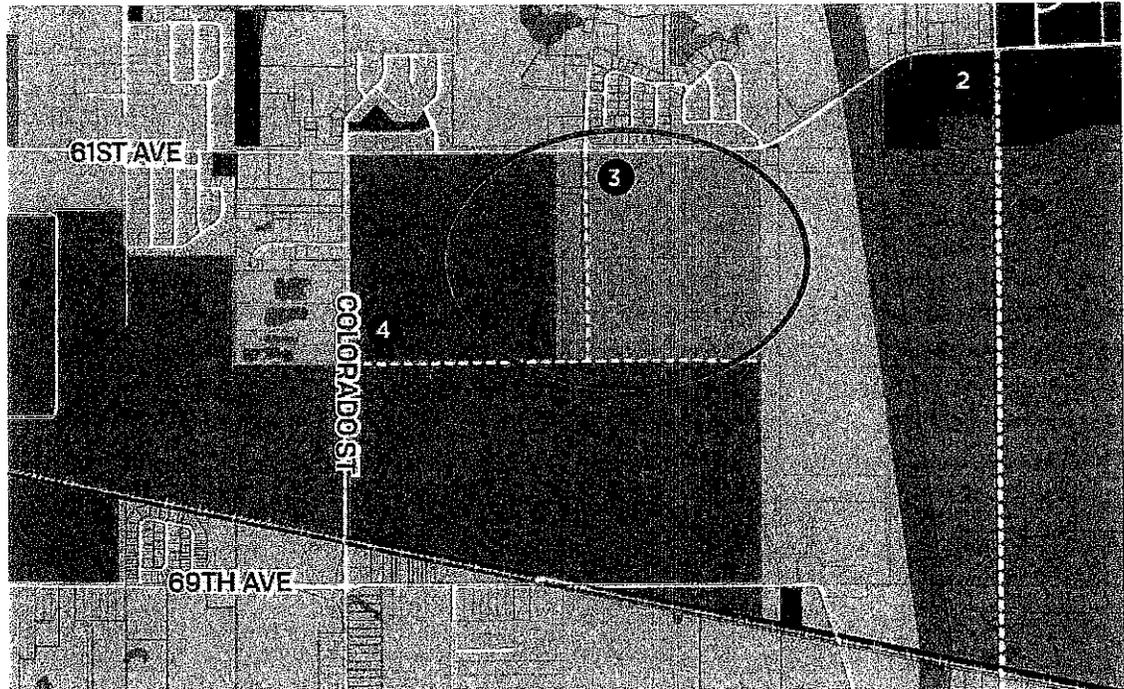


Figure 11

The Hobart 2040 Plan further provides the description of an Employment Center as:

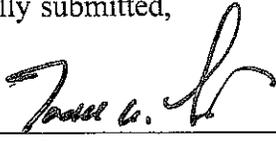
Employment Center areas encourage development that is largely compatible with adjacent residential and other less intensive land uses, supporting high technology and service-based activities. Inherently compatible with residential uses, this land use does not allow manufacturing, contrary to the industrial land use. Incubator spaces, storage facilities, start-up facilities, research businesses, assembly, and communication facilities, among other uses are supported within such areas. This land use increases resiliency in the local economy by allowing Hobart the opportunity to respond to market trends and support the northwest Indiana region with flexible and affordable spaces for a variety of business enterprises. For parcels of five acres or less, mixed-use, multi-family residential, and commercial and retail uses can be permitted by City Council.

The proposed use of the Subject Property as a data center corresponds perfectly with the purpose and intent of the comprehensive plan.

- d) The Subject Parcel is well suited for the proposed uses because the Subject Property is of adequate size, consisting of approximately 168 +/- acres to support the proposed uses and activities on the Subject Property and has access to multiple existing 345 kV transmission circuits adjacent to the Subject Property required by data center development; has primary access to 61st Avenue which is well suited to provide for vehicular access to the data center use and all uses allowed in the M-1 Light Manufacturing District; and will to promote safe and efficient traffic movements in and about the Subject Property. Access to the Subject Property shall be made directly to 61st Avenue with 1,953 lineal feet of frontage on 61st Avenue. The location increases security for the proposed data center use.
- e) 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 will be minimal.
- f) The property values of adjacent property would not be decreased because the Subject Property is located on a major thoroughfare, and Petitioner's proposed uses of the Subject Property are consistent with low impact development principles of responsible development and is expected to meet or exceed all development and operational standards of the City codes within the M-1 Light Manufacturing District proposed. The zone change will not alter the essential character of the locality. Access to and enjoyment of all abutting property is not made difficult or frustrated by the zone change.
- g) The zone map amendment generally promotes the public health, safety, comfort, convenience, morals and general welfare of the City.

Dated this 9th day of December, 2024.

Respectfully submitted,

By: 

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This Instrument Prepared By:

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ORD 2025-07

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

(PLEASE PRINT)

MEETING DATE: January 15, 2025

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

COMMON COUNCIL (6:00 p.m.)

ITEM TO BE ADDED TO AGENDA Petition 25-02 Proposed date center
Rezone from R-3 to M-1

Property located north & east of the 61st Ave. & Arizona St. intersection

SUPPORTING DOCUMENTATION ATTACHED Memo/minutes, Certification & Report
Ordinance & Findings & Fact

REQUEST SUBMITTED BY JOY

ADDRESS (DEPARTMENT) PLANNING/ZONING

PHONE NUMBER (EXT) _____

DATE SUBMITTED January 13, 2025