

ORDINANCE NO. 2014-16

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

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 14-23A** 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 & R-2 (Single Family Residential Districts) classification to B-1 (Neighborhood Business District) zoning classification:

Parcel 1: Lot 1, Sebo's Heritage Manor, an Addition to the City of Hobart, Lake County, Indiana

Parcel 2. The South 1696.81 feet of the East 10 acres of the West 20 acres of the East Half of the Northwest Quarter of Section 35, Township 36 North, Range 08, West of the Second Principal Meridian in Lake County, Indiana

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:

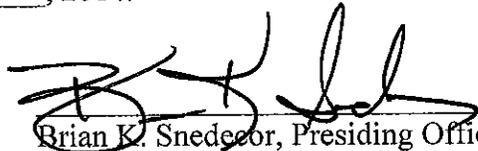
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

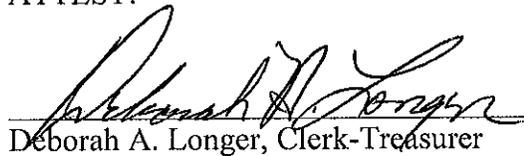
PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this

6th day of August, 2014.



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 August, 2014 at 7:00 o'clock P.M.



Deborah A. Longer, Clerk-Treasurer

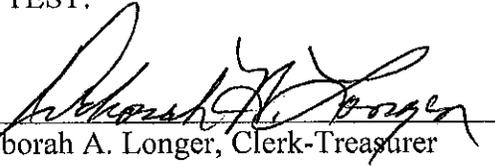
APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 6th day of

August, 2014.



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: July 8, 2014

PETITIONER: Sebos Healthcare Properties LLC
Earl Goldberg (Agent)
4410 49th Avenue
Hobart, IN 46342

REQUEST: Change zone from a R-1 & R-2 (Single Family Residential Districts) to B-1 (Neighborhood Business District)

PROPOSED USE: Expansion to parking lot & addition to building

GENERAL LOCATION: Approx. ½ mile west from the NW corner of 49th Ave. & Liverpool Rd.

LEGAL DESCRIPTION: Parcel 1: Lot 1, Sebo's Heritage Manor, an Addition to the City of Hobart, Lake County, Indiana
Parcel 2. The South 1696.81 feet of the East 10 acres of the West 20 acres of the East Half of the Northwest Quarter of Section 35, Township 36 North, Range 08, West of the Second Principal Meridian in Lake County, Indiana

PLAN COMMISSION PETITION NO.: 14-23A

DATE OF PLAN COMMISSION ACTION: July 3, 2014

DEADLINE FOR CITY COUNCIL ACTION: October 1, 2014

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 6-0

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

MEMORANDUM

DATE: July 8, 2014

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY ANTHONY DEBONIS

FROM: SERGIO MENDOZA, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 14-23A

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 14-23A, a petition to rezone from R-1 & R-2 to B-1 located approx. ½ mile west from the NW corner of 49th Avenue & Liverpool Road, zoned R-1 & R-2, 14.916 acres.

DRAFT PUBLIC HEARING MINUTES FOR THE JULY 3, 2014 MEETING OF THE PLAN COMMISSION FOR PETITION 14-23A:

Mr. Allen abstained.

Earl Goldberg, consulting engineer, requested to rezone R-1 & R-2 property to B-1. He stated the nursing home facility has been operating under a variance and is proposing to bring the property into conformity.

Mr. Mendoza explained that the facility has been operating under a conditional use that was approved several years ago and for the facility to return to expand on the conditional use would not be possible since our current comprehensive plan will not support the use. The rezone to B-1 is more appropriate to allow the continued use and expansion of the facility. Ms. Galka questioned whether there would be any inappropriate permitted uses for this area in which the Commission agreed the permitted uses in a B-1 (neighborhood business district) would not hamper this area.

Mr. Brezik opened and closed the Public Hearing for Petition 14-23A without comments.

Ms. Galka made a motion for a Favorable Recommendation to the Common Council for Petition 14-23A including all discussion and findings of fact, seconded by Mr. Rodriguez. All ayes, motion carried. (6-0)