

**ORDINANCE NO. 2016-12**

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

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 16-19** 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-2 (Single Family Residential District) classification to B-1 (Neighborhood Business District) zoning classification:

Lots 6 & 7, Block 2, Sunnyside Addition to Hobart

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

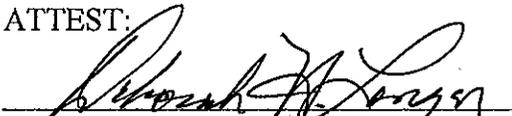
1<sup>st</sup> day of JUNE, 2016.



~~Brian K. Snedecor~~, Presiding Officer

Matthew CLAUSSEK,

ATTEST:

  
Deborah A. Longer, Clerk-Treasurer

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

14<sup>th</sup> day of JUNE, 2016 at 8 o'clock A. M.

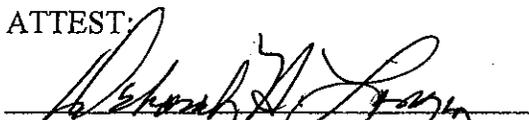
  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 20<sup>th</sup> day of

JUNE, 2016.

  
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: May 9, 2016

PETITIONER: Jill Fuller (Rhythm/Rhyme & Party Time LLC)  
120 S. Lake Park Avenue  
Hobart, IN 46342

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

PROPOSED USE: Fine arts, education & recreation

GENERAL LOCATION: NW corner of State & 10th Streets

LEGAL DESCRIPTION Lots 6 & 7, Block 2, Sunnyside Addition to Hobart

PLAN COMMISSION PETITION NO.: 16-19

DATE OF PLAN COMMISSION ACTION: May 5, 2016

DEADLINE FOR CITY COUNCIL ACTION: August 3, 2016

CERTIFICATION:

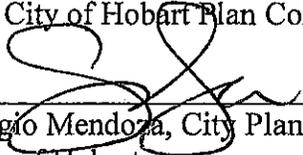
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 9-0

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:** May 9, 2016

**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 16-19

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 16-19, a petition to rezone from R-2 (Single Family Residential District) to B-1 (Neighborhood Business District) for property at 954 State Street, located on the NW corner of State St. & 10<sup>th</sup> Streets, zoned R-2, 0.16 acre

DRAFT PUBLIC HEARING MINUTES FOR THE MAY 5, 2016 MEETING OF THE PLAN COMMISSION PERTAINING TO PETITION 16-19:

Ms. Fuller proposed to relocate her business of five years from 3<sup>rd</sup> Street to a much needed larger facility. She stated that her programs, lessons, etc. are not just limited to the facility but that she travels to different institutions and requires loading and unloading the supplies and equipment. Being able to load and unload her vehicle outside the facility's door in a parking lot will provide a safer environment.

Ms. Galka opened and closed the public hearing for Petition 16-19 without comments.

Mr. Brezik made a motion for a Favorable Recommendation to the Common Council for Petition 16-19 including all discussion and findings of fact, seconded by Mr. Rodriguez. All ayes, motion carried. (9-0)

RHYTHM, Rhyme K.  
Party TIME, LLC  
Jill Fuller

PC 16-19

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.

Rhythm Rhyme & Party Time LLC will be relocating to this property. RRPT has been providing quality, Affordable Arts (music, art, drama, arts & crafts, etc.) programs, lessons, and social events to the residents of Hobart & surrounding communities since April 2011. RRPT has worked ~~with~~ (black)

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 nature of our business is finite to arts activities

   (c) the land involved is suitable for the proposed land change because:  
the structure is the ideal size & location for the services we provide.

   (d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: All activities will occur within the structure & the parking is adequate.

   (e) the property value of adjacent property would not be decreased because:  
Arts education & recreation enhance the quality of life of children & adults who partake in Arts activities.

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 5<sup>th</sup> day of May, 2016 by a majority vote of the Hobart Advisory

Plan Commission.

Maria Gulka  
Plan Commission President

Attest:  
Joan L. Spain  
Plan Commission Secretary/Zoning Official

in conjunction with the City of Hobart, the School City of Hobart, and various institutions in surrounding communities to educate, entertain, and enhance residents (both adults & children) lives regarding education & experiences related to the Arts.

This location will double RRPT's current operating space and allow us to provide an even greater variety of Arts experiences. More specifically, gallery shows for visual artists, ceramics & pottery programs, small live dramatic theatrical productions for children and adults, an expanded Summer camp program schedule for children, and additional after school music and art lessons and classes.