

ORDINANCE NO. 2018 - 26

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,
LAKE COUNTY, INDIANA BE AMENDED AS TO PERMITTED USES BY AMENDING
ORDINANCE 98-19 AN ESTABLISHED PUD LAND USE ZONE CLASSIFICATION**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") has received the recommendation of the City Plan Commission ("Commission") after public hearing, dated October 4, 2018, to amend the permitted uses in the Planned Unit Development ("PUD") District as previously enacted in City Zoning Ordinance 93-59 as amended and thereafter readopted in Ordinance 1998-19 on June 16, 1998; and

WHEREAS, the Commission, by a majority vote, recommended that its Petition No. 18-30 be adopted and that the Council amend its Ordinance 98-19, changing the use of a portion of the parcel zoned as a Planned Unit Development (PUD) to include a passenger automobile/vehicle fueling and convenience station use; and

WHEREAS, the use permitted within said PUD as adopted and recommended by the Commission, and the exact legal description of the areas in which they apply, is identified hereto and made a part hereof; and

WHEREAS, the Council has been duly advised that said amended uses address the changing nature of properties of this type, and that the proposed updated list of uses will allow re-purposing of some of the buildings in the development to more timely and economically viable uses consistent with the City's Comprehensive Plan and zoning requirements; and

WHEREAS, the Council desires to adopt, approve and make said new list of uses effective through the passage of this Ordinance.

THEREFORE, BE IT ORDAINED by the Common Council of the City of Hobart, Indiana as follows:

SECTION ONE: 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 noting that the following describe real estate of approximately 1.12 acres remain classified on the zone map a PUD (Planned Unit Development) as presented in Plan Commission Petition 18-30:

Lot 3, Omega Plaza, as per plat thereof, recorded in Plat Book 86 page 57, as amended by Certified of Corrections recorded June 29, 1999, as Document No. 99053982, as further amended by First Amendment to Omega Plaza, as per plat thereof, recorded October 19, 1999 in Plat

Book 87 page 57, and as further amended by Second Amendment to Omega Plaza, as per plat thereof, recorded March 7, 2001 in Plat Book 89 Page 93, in the Office of the Recorder of Lake County, Indiana.

And amending the uses of this parcel as part of the Planned Unit Development (PUD) adopted by ordinance 98-19 to include passenger automobile/vehicle fueling and convenience station.

SECTION TWO: The City Council now finds that the above amendment to the PUD 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 PUD 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.

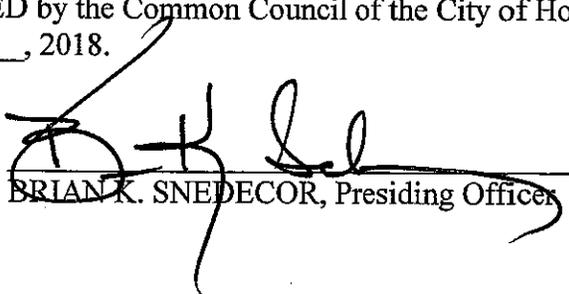
SECTION THREE: The Common Council of the City of Hobart finds the amendment change will take effect upon the following conditions being fulfilled by the owner:

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

SECTION FOUR: That the City Engineer and/or City Planner 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 FIVE: All ordinances or portions thereof in effect prior to the effective date and in conflict with the provisions of this ordinance are hereby repealed.

ALL OF WHICH is PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this 19th day of December, 2018.


BRIAN K. SNEDECOR, Presiding Officer

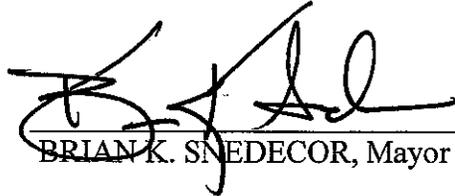
ATTEST:


DEBORAH A. LONGER, Clerk-Treasurer

PRESENTED by me to the Mayor of the City of Hobart on the 19th day of December, 2018 at the hour of 6:45 pm.


DEBORAH A. LONGER, Clerk-Treasurer

APPROVED, EXECUTED and RETURNED by me to the Common Council of the City of Hobart on this 19th day of December, 2018.


BRIAN K. SNEDECOR, Mayor

ATTEST: 
DEBORAH A. LONGER, Clerk-Treasurer

**CERTIFICATION AND REPORT TO
COMMON COUNCIL OF THE CITY OF HOBART ON
AMENDMENT OF THE ZONING ORDINANCE**

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza
City Planner

RE: Amend Omega Plaza Lot 3 Permitted Uses

DATE: October 10, 2018

PETITIONER: Douglas Babcock, Bailiwyck Properties, LLC
250 S. Diversatech Dr.
Manteno, IL 60950

REQUEST: To amend Omega Plaza, Lot 3, use for a passenger
automobile/vehicle fueling and convenience station

PLAN COMMISSION PETITION NO.: 18-30

DATE OF PLAN COMMISSION ACTION: October 4, 2018

DEADLINE FOR COMMON COUNCIL ACTION: January 2, 2019

CERTIFICATION

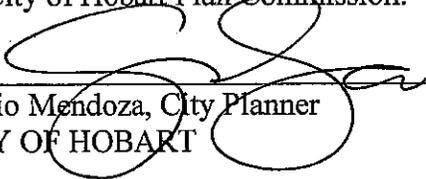
ACTION TAKEN BY PLAN COMMISSION:

Recommendation to the Common Council to APPROVE the change as requested
(favorable Recommendation).

CONDITIONS: None

VOTE: 6-1

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

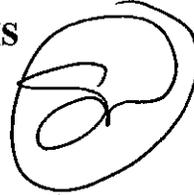
MEMORANDUM

DATE: October 10, 2018

TO: HOBART COMMON COUNCIL MEMBERS
CLERK-TREASURER LONGER
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY ANTHONY DEBONIS

FROM: SERGIO MENDOZA, CITY PLANNER

RE: PETITION TO AMEND PUD USES



Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 18-30, a petition to amend PUD uses for Lot 3 of Omega Plaza for a passenger automobile/vehicle fueling and convenience station, located approx. 200' NE from Marcella Blvd. & 61st Ave., zoned PUD, 1.12 acres +/-, Bailiwyck Properties/Doug Babcock (Petitioner/Owner)

DRAFT PUBLIC HEARING MINUTES OF THE OCTOBER 4, 2018 MEETING OF THE PLAN COMMISSION FOR PETITION 18-30: Doug Babcock requested to amend the PUD uses from retail development to allow a gas station/convenience store on Lot 3, Omega Plaza. Mr. Vinzant expressed his concerns regarding an increase to an already heavily traffic area. Mr. Allen requested a continuation of the ingress/egress access easement, a defined frontage road with curbs on the south side to the eastern property line. Mr. Mendoza explained Mr. Tursman, Luke Land, LLC, met with staff and at that time, he was advised the access easement to connect from the west and continue to the east property line, as well as possible plan for a potential roundabout in the future at the intersection of Marcella Blvd. & 61st Avenue in which the site will require right in/right out on 61st Avenue. Ms. Galka opened the public hearing for Petition 18-30.

Christopher Peterson, of Three Brothers Investments acknowledged sending a letter as formal objection to the proposed use. The letter was distributed and read into the minutes and included below:

Christopher Peterson, Three Brothers Investments, LLC, 213 S. St. Rd. 49, Valparaiso:

**THREE BROTHERS' INVESTMENTS LLC
213 S. State Rd. 49
Valparaiso, IN 46388**

October 2, 2018

VIA HAND DELIVERY

City of Hobart Plan Commission
c/o Joy Respecke, Secretary
414 Main Street
Hobart, Indiana 46342

Re: Objection to Petition No. 18-30
Balliwyc Properties, 250 S. Diversatech Dr., Manteno, IL 60950

Dear Members of the Plan Commission:

Please consider this letter as the formal objection of Three Brothers' Investments LLC to the above-referenced Petition for the amendment of the uses of PUD for Lot 3, located approximately 200' NE from 61st Ave. and Marcella Blvd. Three Brothers owns the property located at 4717 W. 61st Avenue – across the street from the Petitioners' lot.

Petitioners have requested to amend the uses of the PUD to establish a gas station/convenience store on the already-gas-station-congested 61st Avenue near the Interstate. They seek to place the store next to the following existing gas station/convenience stores: Speedway (approx. 730 ft. away from Petitioner's proposed location), Family Express (approx. 240 ft. away), and Speedway (approx. 650 ft. away). These existing gas station/convenience stores adequately serve the level of traffic in the area.

The establishment of a new gas station/convenience store in the area also goes against the clear purposes behind a planned unit development, which are "to promote smart growth ideologies of harmonious variety of uses" that are "compatible with surrounding areas" and which "foster the creation of attractive,

healthful, efficient and stable environments for living, shopping or working." City of Hobart Municipal Code § 154.295. Specifically, Petitioner's request would reduce the variety of property uses, limiting the types of businesses available to Hobart residents. Furthermore, a conglomeration of gas station/convenience stores can hardly be said to foster attractive, efficient and stable environment for both residents or the existing businesses in the area.

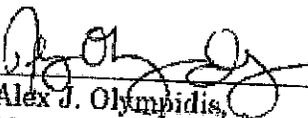
This Commission has the discretion to incorporate the above "smart growth principles" to its satisfaction. See City of Hobart Municipal Code § 154.297.

Mixed land uses are an integral part of a smart growth ideology and necessary for a stable and healthy commercial environment that benefits consumers and business owners.

For the foregoing reasons, we kindly ask that you reject Petition No. 18-30.

Very truly yours,

THREE BROTHERS'
INVESTMENTS LLC

By: 
Alex J. Olympidis,
Member

Mark Kopil, 7739 Dakota Street: He noted the frontage road across the front of the property will create a safety concern with people pumping gas. Hearing no further public comments Ms. Galka closed the public hearing.

Mr. Mendoza stated that the overall PUD was identified to host a variety of uses and it has complied with the overall requirements of a PUD by permitting a fast food chain restaurant warehouse used in past for distribution of goods and later used as an athletic complex and now they are looking to amend the PUD uses for a specific use of a gas station/convenience store.

Mr. Vinzant motioned for an Unfavorable Recommendation to the Common Council for Petition 18-30. Motion failed for lack of a second. Ms. Galka motioned for a Favorable Recommendation to the Common Council for Petition 18-30 including all discussion and Findings of Fact, seconded by Mr. Lain. Motion carried. (6-1) Mr. Vinzant-Nay

DAVID R. VINZANT
Hobart 4th District Councilman



home: 1535 W. 4th Place
Hobart, IN 46342
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email: dave@davevinzant.com
web: <http://www.davevinzant.com>

office: 904 W. Old Ridge Road
Suite 101
Hobart, IN 46342
(219) 942-9544

October 10, 2018

Dear Fellow Council Members,

I first want to apologize for missing the meeting but this trip was scheduled almost a year ago.

I would like to comment on the proposed change to the allowable uses for the PUD for Bailiwyck Properties, Lot 3, Omega Plaza. The property in question is the empty lot just east of Wendy's at 61st and Marcella Blvd. I am opposed to the change that would allow a gas station on this property because of the current traffic problems we already have at this intersection and the pending increases in traffic that will result from other already approved developments in the area (i.e. Wynright Corp.). There is also Dr. Ring's Medical building on Marcella and the new empty building behind Menards. They will certainly add traffic once they fill.

The problems that a gas station at this location would add, are different and worse than simply adding cars to the already crowded roads. This proposed gas station will add cars that are exiting and entering the road right at the intersection or at curb cuts right near the intersection. This station will use an extension of the frontage road that runs in front of Wendy's, dumping cars onto the little northern stub of Marcella right where it hits the intersection. It will also cause cars heading east that want to get to the station to pass through the intersection and then stop and try to turn left into the the station, crossing the west bound lanes that are typically full of cars stacking for the light to change. In addition to cars, a facility such as this will have large semi's making deliveries of fuel, soda and food at all hours.

Though only in the discussion phase, plans are being developed to create one or two roundabouts in the area to help handle the traffic problems that already exist in the area. Packing additional businesses into that intersection before we have completed those roundabouts doesn't sound like the smartest thing to do at this time. And there are already 3 active stations (2 Speedway and a Family Express) and a closed station (just west of Wendy's) in the area. There is no shortage of gas stations.

The roads and streets we created in the area are community resources that are not unlimited. There are limits to the amount and type of traffic they can handle. When looking at approving developments, we need to look at how they impact these resources and whether other, more desirable, projects are going to be prevented because we approve a less desirable one. We should be protecting that resource and saving it for developments that will create good paying jobs in the future, like those being developed in Northwind Crossing and other similar future developments that are being looked at all along 61st Ave. I certainly hope the Wynright project isn't the last project of its type in the area.

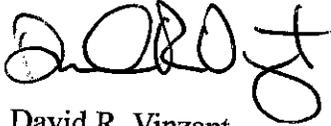
It might make sense to consider a project like this down the road once we have implemented plans to improve the capacity of the roads in the area and we find there is a shortage of gas stations, but right

now it doesn't seem to me to be good long term planning.

As the Councilman for the 4th District, where this PUD is located, I ask that you deny the proposed change to the PUD because it's not in the best interest of the City and it negatively impacts the surrounding property owners.

Keep the traffic flowing the best it can on 61st Ave. Please deny the change to the PUD.

Sincerely,

A handwritten signature in black ink, appearing to read "D. Vinzant". The signature is stylized with a large, looped initial "D" and a long, sweeping horizontal stroke.

David R. Vinzant
Hobart 4th District Councilman