

ORDINANCE NO. 2020- 04

**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-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 20-13** 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-3 (Highway Oriented Business District) zoning classification:

Parcel 1:

That part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 36 North, Range 7 West of the 2nd Principal Meridian described as beginning 20 Rods West of the Northeast corner of said Quarter Quarter Section, thence South 40 Rods; thence West 20 Rods; thence North 40 Rods; thence East 20 Rods to the place of beginning, containing 5 acres, 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:

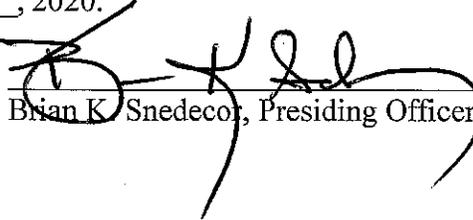
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

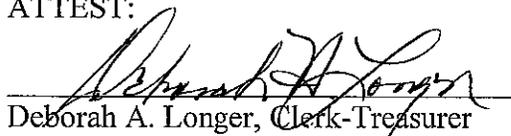
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

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

1st day of July, 2020.

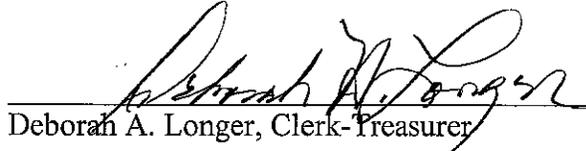

Brian K. Snedecor, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

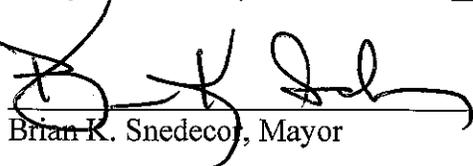
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

1st day of July, 2020 at 6:45 clock P.M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 1st day of

July, 2020.


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: Ross Pietrzak, Zoning Administrator

RE: Change to be made on the zone map.

DATE: June 8, 2020

PETITIONER: Hobart Assembly of God, Inc.
Pastor Ryan McDowell
7545 E. Ridge Road
Hobart, IN 46342

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

PROPOSED USE: Church

GENERAL LOCATION: 0.27 miles west from the SW corner of Ridge Rd. & State Rd. 51

LEGAL DESCRIPTION Parcel 1:
That part of the Northwest Quarter of the Northeast Quarter of Section 29, Township 36 North, Range 7 West of the 2nd Principal Meridian described as beginning 20 Rods West of the Northeast corner of said Quarter Quarter Section, thence South 40 Rods; thence West 20 Rods; thence North 40 Rods; thence East 20 Rods to the place of beginning, containing 5 acres, in Lake County, Indiana.

PLAN COMMISSION PETITION NO.: 20-13

DATE OF PLAN COMMISSION ACTION: June 4, 2020

DEADLINE FOR CITY COUNCIL ACTION: September 2, 2020

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 8-0

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

A handwritten signature in black ink, appearing to read "Ross Pietrzak", written over a horizontal line.

Ross Pietrzak, Zoning Administrator
City of Hobart

Reasons
attached

PC 20-13

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 sheet.

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 church and, by extension, its proposed expansion conform to plan recommended future land use.

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

for the proposed zone district change because the church has existed in the location for over 40 yrs

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

because: it is relatively flat, presents no unusual or difficult form or condition that presents a challenge

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

the proposed expansion represents a significant value investment for the church property. Maintenance of area property values will be enhanced through this investment in church property

Signature of Petitioner/Agent

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 17th day of June, 2020 by a majority vote of the Hobart Advisory

Plan Commission.

Maria Gallo

Plan Commission President

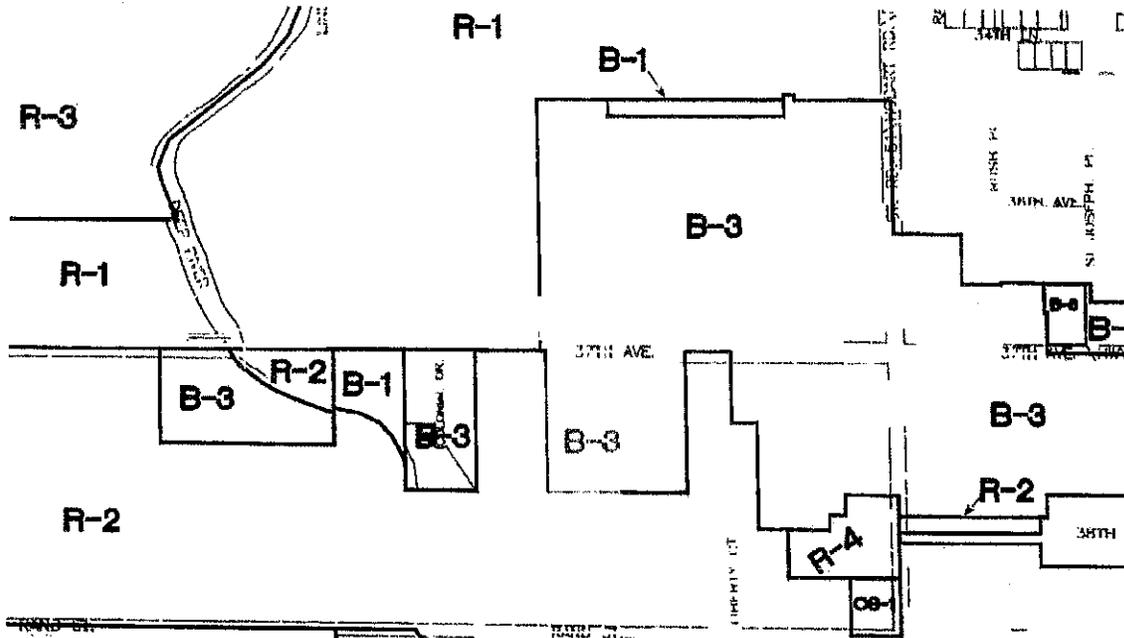
Attest:

Jason Spier

Plan Commission Secretary/Zoning Official

FINDINGS OF FACT

The existing site is comprised of three distinct tax parcels. The west parcel, which hosts all of the current site improvements, is zoned R-2, while the other two parcels to the east are zoned B-3. The adjoining parcel to the west and the retail center across the street to the northeast are also zoned B-3.



The Comprehensive Plan Future Land Use map supports General Business along the north side of the street. East Ridge Road is a nonresidential corridor. The floodplain to the south buffers this commercial corridor from single family residential uses to the south of the church property. The **Comprehensive Plan** Future Land Use Map clearly identifies and supports an institutional land use at the church's location, surrounded by office/service future land uses (east, south and west) and general business future land uses (north).

Current conditions and character of structures and uses proximate to the church are:

	Existing Land Use	Existing Zoning
North	Vacant/agricultural; commercial to northeast	R-1 and B-3
East	Business park	B-3
South	Open area/floodplain (approximately 850' from the south wall of the church building to the nearest single family residence south of the floodplain)	R-2
West	Business park and Fire Department Station 3	B-3 with B-1 beyond

The **most desirable use** for the site, regardless of zoning district, is this church, which dates back over 40 years (Lake County GIS 1978 aerial photograph). A church is permitted by right in residential districts and by conditional use approval in the business districts. The church pre-dates most of the other existing nearby land uses, and the mix of today's land uses along and close to the East Ridge Road corridor demonstrates compatibility.

Conservation of property values throughout the jurisdiction will accompany the proposed church expansion, which represents a significant economic investment by the church. This investment will benefit property values along and near the corridor.

Allowing for an expansion of an existing, actively used and well-kept property that has, over the years, demonstrated compatibility in its setting with a mix nearby land uses is the best example of **responsible growth and development**. The use and its expansion are supported by the Comprehensive Plan map, and the church adds to the mix of nonresidential land uses along East Ridge Road.

This petition for zone map amendment does not constitute **spot zoning**. It is supported by the Comprehensive Plan, and the site is situated between adjacent parcels that are currently zoned B-3.

The **comprehensive plan** will not be disrupted or destroyed. The church and, by extension, its proposed expansion conform to plan recommended future land uses.

The **land involved is suitable** for the proposed zone district change, because the church has existed at this location for over 40 years.

The site **topography** is relatively flat presents no unusual or difficult form or condition that presents a challenge to the proposed expansion.

The **value of adjacent property** would not decrease, because the proposed expansion represents a significant value investment for the church property. Maintenance of area property values will be enhanced through this investment in the church property.

MEMORANDUM

DATE: JUNE 8, 2020

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

FROM: ROSS PIETRZAK, ZONING ADMINISTRATOR

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 20-13

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 20-13, a petition request to rezone from R-2 to B-3 at 7545 E. Ridge Road located 0.27 miles west from the SW corner of Ridge Road & State Road 51, zoned R-2, 5 acres.

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF APRIL 2, 2020: Meeting cancelled due to Covid-19.

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF MAY 7, 2020: Petitioner requested to be tabled. (Meeting held via Zoom)

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JUNE 4, 2020: Representing the petitioner was Nancy Townsend, Krieg/Devault. During a previous presentation she reviewed the Findings of Fact and asked they be incorporated in the record. She noted all the requirements have been met and requested a favorable recommendation be forwarded to the Common Council. Ms. Galka opened and closed the public hearing for Petition 20-13 without comments. Mr. Chhutani motioned for a Favorable Recommendation to the Common Council including all discussion and Findings of Fact, seconded by Mr. Lain. All ayes, motion carried. (8-0)