

ORDINANCE NO. 2020- 22

**AN ORDINANCE OF THE CITY OF HOBART, INDIANA
PROVIDING THAT THE ZONING ORDINANCE OF THE CITY OF HOBART,
LAKE COUNTY, INDIANA BE AMENDED BY RE-INSTATING A PREVIOUSLY
APPROVED PUD ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 2020-20** be adopted and that the Council re-instate Ordinance 2004-27.

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:

SECTION 2. 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 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:

Conditions imposed by Plan Commission: Contingent upon working with staff to include fencing along Lake Park Ave. and Fleming St., a swale/drainage feature lower than Fleming St. and Debie Ln. to allow drainage to flow to the north, to extend the storm sewer on the SW corner of Debie Ln. & Paula Ct. east to a catch basin, to install a sidewalk along Lake Park Ave. and to install 2 additional catch basins in the existing sewer line along Lake Park Ave.

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 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.

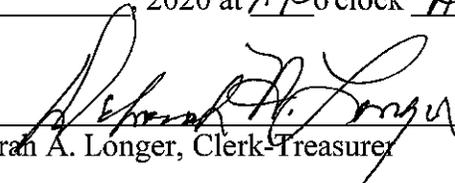
7th PASSED and ADOPTED by the Common Council of the City of Hobart, Indiana on this day of October, 2020.

ATTEST:

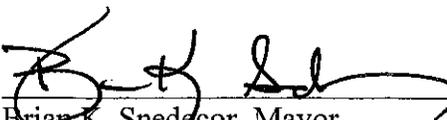

Deborah A. Longer, Clerk-Treasurer


~~Brian K. Snedecor~~, Presiding Officer
DAN WALDROP

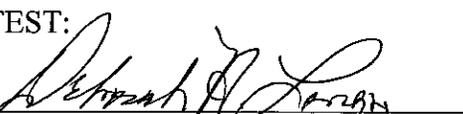
Presented by me to the Mayor of the City of Hobart, Indiana, for her approval and signature this 8th day of October 2020 at 7:45 o'clock A. M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 8th day of October, 2020.


Brian K. Snedecor, Mayor

ATTEST:


Deborah A. Longer, Clerk-Treasurer

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

CERTIFICATION TO: Common Council of the City of Hobart

FROM: Sergio Mendoza., City Planner

RE: Reinstate PUD for Lake Park Townhomes

DATE: September 8, 2020

PETITIONER: Robert Hennessey
10769 Broadway #318
Crown Point, IN 46307

REQUEST: Reinstate PUD for Lake Park Townhomes, Phase III
910, 920, 930, 940 Penny Court
915, 925, 935, 945 Paula Court

PROPOSED USE: For the construction of additional townhomes

GENERAL LOCATION: 400' north from the NE corner of Lake Park Avenue & 10th
Street

LEGAL: Lake Park Townhomes Phase III, A Planned Unit
Development, as shown on the Recorded Plat in Book 096,
Page 37 in the Office of the Recorder of Lake County,
Indiana

PLAN COMMISSION PETITION NO: 2020-20

DATE OF PLAN COMMISSION ACTION: September 3, 2020

DEADLINE FOR COMMON COUNCIL ACTION: December 2, 2020

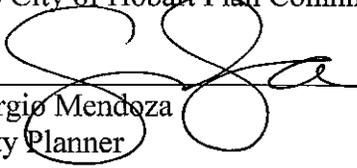
CERTIFICATION

ACTION TAKEN BY PLAN COMMISSION:
Recommendation to the Common Council to Approve the change as requested
(Favorable Recommendation)

CONDITIONS: Contingent upon working with staff to include fencing along Lake Park Ave. and Fleming St., a swale/drainage feature lower than Fleming St. and Debie Ln. to allow drainage to flow to the north, to extend the storm sewer on the SW corner of Debie Ln. & Paula Ct. east to a catch basin, to install a sidewalk along Lake Park Ave. and to install 2 additional catch basins in the existing sewer line along Lake Park Ave.

VOTE: 7-0

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

LAKE PARK TOWNHOMES
REINSTATE PUD.

PC 20-20

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.

To Reinstate The Expired PUD on 4-unit Townhomes
To follow current covenants approved
To Improve the brown land currently existing with landscape

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:

Property is currently vacant land with no structures

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

Land was already zoned for 4-unit townhomes

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: Topography ARE FLAT LOTS

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

Cost of new residences will be greater than existing

Phil Nemney
Signature of Petitioner/Agent

8/11/20
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 **Does or Does Not** complies with the standards in the zoning ordinance.

All of which this 3rd day of September, 2020 by a majority vote of the Hobart Advisory

Plan Commission.

Maria Galca

Plan Commission President

Attest:

Jean Spri
Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: September 8, 2020

TO: HOBART COMMON COUNCIL MEMBERS
MAYOR BRIAN K. SNEDECOR
CITY ATTORNEY HEATHER McCARTHY

FROM: SERGIO MENDOZA, CITY PLANNER 

RE: A petition request to reinstate the PUD for Lake Park Townhomes, Phase III for the proposed construction of 8 townhomes located approx. 400' north from the NE corner of Lake Park Ave. & 10th St. zoned PUD, 2.54 acres

Below please find the minutes of the Plan Commission meetings regarding the proposed Reinstatement of Lake Park Townhomes PUD

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION FOR THE SEPTEMBER 3, 2020 MEETING FOR PETITION 20-20: Bob Hennessey, Hennessey Development, stated he purchased the remaining property on Paula Ct. and Penny Ct. and is proposing to construct 4-unit townhomes that will follow the existing architectural and landscaping designs. Mr. Allen requested to install catch basins in the existing sewer line to help with drainage along Lake Park Avenue and also to install the sidewalk. Ms. Galka opened the public hearing for Petition 20-20. *Edward Wahl, 951 Fleming Street* stated there's existing flooding that occurs on the northern end of Fleming Street and inquired as to if there will be screening to the east along Fleming Street. He also mentioned the existing foundation is in disrepair. Mr. Hennessey stated if necessary, the existing foundation will be torn out and replaced. *Cody Belig, 955 Fleming Street* also has flooding issues. Mr. Gralik mentioned there is an inlet on the southwest corner of Paula Ct. & Debie Ln. and thought the storm sewer could be extended to the east and to Fleming St. to the north. Also discussed to help eliminate the flooding issues was to install a 12" open pipe and a swale along Fleming St. *Patty Kostro, 944 Paula Ct.* Ms. Kostro stated she is currently the president of the HOA and is in favor of the proposed construction. Hearing no further public comments Ms. Galka closed the public hearing. After hearing the comments made from the neighbors, Mr. Hennessey mentioned he will do whatever he can to help eliminate the flooding issues on Fleming Street. Mr. Allen motioned for a Favorable Recommendation to the Common Council to reinstate the PUD for Petition 20-20 with the stipulations to work with staff to include fencing along Lake Park Ave. and Fleming St., a swale/drainage feature lower than Fleming St. and Debie Ln. to allow drainage to flow to the north, to extend the storm sewer on the SW corner of Debie Ln. & Paula Ct. east to a catch basin, to install a sidewalk along Lake Park Ave. and to install 2 additional catch basins in the existing sewer line along Lake Park Ave. including all discussion and Findings of Fact, seconded by Mr. Gralik. All ayes, motion carried. (7-0)