

**CITY OF HOBART, INDIANA**  
**ORDINANCE NO. 2020-31**

**AN ORDINANCE TO REMOVE A PREVIOUS PUD AND REZONE CERTAIN  
PARCELS OF REAL ESTATE FROM M-1 TO A PUD ZONE CLASSIFICATION**

WHEREAS, the Common Council ("Council") of the City of Hobart, Indiana ("City") adopted Ordinance Number 99-32 on August 18<sup>th</sup>, 1999 which rezoned a parcel of real estate in the City from Light Manufacturing District ("M-1") to Planned Unit Development District with Light Manufacturing uses (PUD M-1); and

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 20-23** be adopted and that the Council rezone additional M-1 property to PUD (M-1) and instate regulations governing aforementioned parcels of real estate; and

WHEREAS, the District Regulations for said PUD as adopted and recommended by the Commission, is attached hereto and made a part hereof as "Exhibit A;" and

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 removing Ordinance 99-32 in its entirety.

**SECTION 2.** 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 M-1 zoning classification to a PUD zoning classification adhering to the District Regulations identified in Exhibit A:

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, SAID PARCEL BEING PART OF VAP INDUSTRIAL PARK, A PLANNED UNIT DEVELOPMENT (HEREINAFTER REFERRED TO AS VAP), AS SHOWN IN PLAT BOOK 87, PAGE 80 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID PARCEL ALSO CONTAINING LOTS 1 THROUGH 6, BOTH INCLUSIVE IN BLOCK 9 IN TOLLESTON ON THE HILL SUBDIVISION, AS SHOWN IN PLAT BOOK 2, PAGE 55 IN SAID RECORDER'S OFFICE, THE VACATED PORTION OF 36TH AVENUE LYING NORTH OF SAID BLOCK 9 AND THE VACATED ALLEY LYING EAST OF SAID BLOCK

9, (BOTH SAID STREET AND ALLEY VACATED BY THE CITY OF HOBART ORDINANCE 97-17), SAID PARCEL OF LAND DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID VAP; THENCE NORTH 89 DEGREES 53 MINUTES 49 SECONDS EAST, 332.82 FEET ALONG SAID NORTH LINE OF VAP TO THE WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65 (HEREINAFTER REFERRED TO AS I-65); THENCE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS EAST, 480.55 FEET ALONG SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 09 DEGREES 50 MINUTES 00 SECONDS EAST, 34.35 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED TO THE STATE OF INDIANA RECORDED IN DOCUMENT NUMBER 2002 047478 ON MAY 22, 2002 IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 30.37 FEET ALONG THE WEST LINE OF SAID STATE PARCEL TO THE NORTH LINE OF LAND DESCRIBED TO J. PAUNICKA PARTNERS RECORDED IN DOCUMENT NUMBER 2019-075853 ON NOVEMBER 4, 2019 IN SAID RECORDER'S OFFICE; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE NORTH, WEST, AND SOUTH LINES OF SAID PAUNICKA LAND:

1.) NORTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, 20.53 FEET;

2.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 25.00 FEET;

3.) SOUTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, 20.53 FEET TO THE WEST LINE OF SAID STATE PARCEL; THENCE THE FOLLOWING 4 COURSES AND DISTANCES ALONG THE WESTERLY LINES OF SAID STATE PARCEL:

1.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 65.43 FEET;

2.) SOUTH 89 DEGREES 58 MINUTES 50 SECONDS EAST, 7.50 FEET;

3.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 77.95 FEET;

4.) SOUTH 03 DEGREES 30 MINUTES 51 SECONDS WEST, 108.06 FEET TO THE SOUTHERLY CORNER OF SAID STATE PARCEL; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 298.07 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHEAST CORNER OF LAND DESCRIBED TO J. PAUNICKA PARTNERS IN DOCUMENT NUMBER 2019-075854 ON NOVEMBER 4, 2019 IN SAID RECORDER'S OFFICE; THENCE ALONG THE NORTH, WEST, AND SOUTH LINES OF LAST SAID PAUNICKA LAND THE FOLLOWING THREE COURSES AND DISTANCES:

1.) NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST, 25.00 FEET;

2.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 25.21 FEET;

3.) SOUTH 89 DEGREES 53 MINUTES 02 SECONDS EAST, 25.00 FEET TO SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 56.08 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH LINE OF VAP; THENCE SOUTH 84 DEGREES 07 MINUTES 22 SECONDS WEST, 95.37 FEET ALONG LAST SAID SOUTH LINE; THENCE NORTH 89 DEGREES 51 MINUTES 30 SECONDS

WEST, 246.56 FEET ALONG THE SOUTH LINE OF VAP TO THE WEST LINE OF VAP; THENCE ALONG THE WESTERLY LINES OF VAP AND THE WESTERLY LINE OF SAID TOLLESTON ON THE HILL THE FOLLOWING 5 COURSES AND DISTANCES:

- 1.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 364.93 FEET;
- 2.) NORTH 70 DEGREES 19 MINUTES 21 SECONDS EAST, 31.77 FEET;
- 3.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 707.38 FEET;
- 4.) SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST, 30.00 FEET;
- 5.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 125.93 FEET;

TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING AT THE NORTHEAST CORNER OF SAID VAP, THENCE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS EAST, 28.38 FEET ALONG THE EAST LINE OF SAID VAP; THENCE SOUTH 89 DEGREES 12 MINUTES 30 SECONDS WEST, 38.76 FEET TO THE POINT OF BEGINNING OF SAID EXCEPTION; THENCE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS EAST, 25.00 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES 30 SECONDS WEST, 25.00 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 30 SECONDS WEST, 25.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 30 SECONDS EAST, 25.00 FEET TO THE POINT OF BEGINNING OF SAID EXCEPTION, SAID OVERALL PARCEL LESS EXCEPTION CONTAINING 8.88 ACRES MORE OR LESS.

SECTION 3. 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 4. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

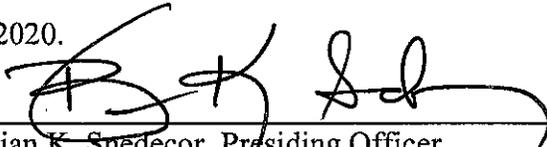
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

SECTION 5. 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.

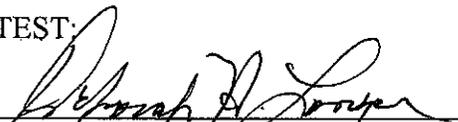
SECTION 6. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise provided for by law.

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

2<sup>nd</sup> day of December, 2020.

  
\_\_\_\_\_  
Brian K. Snedecor, Presiding Officer

ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

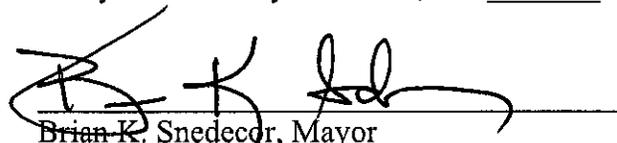
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

2<sup>nd</sup> day of December, 2020 at 6:45 o'clock P. M.

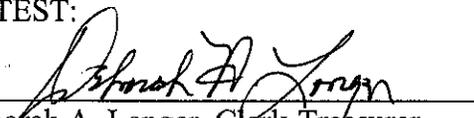
  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 2<sup>nd</sup> day of

December, 2020.

  
\_\_\_\_\_  
Brian K. Snedecor, Mayor

ATTEST:

  
\_\_\_\_\_  
Deborah A. Longer, Clerk-Treasurer

**EXHIBIT A**  
**VAP INDUSTRIAL PARK – PUD LIGHT INDUSTRIAL DISTRICT**  
**PUD DISTRICT REGULATIONS**

A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, SAID PARCEL BEING PART OF VAP INDUSTRIAL PARK, A PLANNED UNIT DEVELOPMENT (HEREINAFTER REFERRED TO AS VAP), AS SHOWN IN PLAT BOOK 87, PAGE 80 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID PARCEL ALSO CONTAINING LOTS 1 THROUGH 6, BOTH INCLUSIVE IN BLOCK 9 IN TOLLESTON ON THE HILL SUBDIVISION, AS SHOWN IN PLAT BOOK 2, PAGE 55 IN SAID RECORDER'S OFFICE, THE VACATED PORTION OF 36TH AVENUE LYING NORTH OF SAID BLOCK 9 AND THE VACATED ALLEY LYING EAST OF SAID BLOCK 9, (BOTH SAID STREET AND ALLEY VACATED BY THE CITY OF HOBART ORDINANCE 97-17), SAID PARCEL OF LAND DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID VAP; THENCE NORTH 89 DEGREES 53 MINUTES 49 SECONDS EAST, 332.82 FEET ALONG SAID NORTH LINE OF VAP TO THE WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65 (HEREINAFTER REFERRED TO AS I-65); THENCE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS EAST, 480.55 FEET ALONG SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 09 DEGREES 50 MINUTES 00 SECONDS EAST, 34.35 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED TO THE STATE OF INDIANA RECORDED IN DOCUMENT NUMBER 2002 047478 ON MAY 22, 2002 IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 30.37 FEET ALONG THE WEST LINE OF SAID STATE PARCEL TO THE NORTH LINE OF LAND DESCRIBED TO J. PAUNICKA PARTNERS RECORDED IN DOCUMENT NUMBER 2019-075853 ON NOVEMBER 4, 2019 IN SAID RECORDER'S OFFICE; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE NORTH, WEST, AND SOUTH LINES OF SAID PAUNICKA LAND:

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- I. USE AND BULK REGULATIONS IN THIS PLANNED UNIT DEVELOPMENT.
- (A) Use and bulk regulations applying specifically to this PUD are set forth in this subchapter.
  - (B) Also applying to this PUD district are additional regulations set forth for manufacturing districts in other subchapters and sections of this chapter as follows:
    - (1) Section 154.004, Zoning districts, establishment and application;
    - (2) Section 154.005, Rules and interpretation of district boundaries;
    - (3) Section 154.006, General provisions and supplementary district regulations;
    - (4) Section 154.007, Definitions;
    - (5) Sections 154.295 et seq., Planned Unit Development Districts;
    - (6) Sections 154.320 et seq., Mobile Homes and Mobile Home Parks;
    - (7) Sections 154.355 et seq., Off-Street Parking and Loading;
    - (8) Sections 154.375 et seq., Signs;

- (9) Sections 154.415 et seq., Site Plan;
- (10) Conditional Uses (see “Editor’s note” at end of the Hobart Municipal Code Chapter 154’s analysis);
- (11) Sections 154.460 et seq., Non-conforming Uses and Non-conforming Buildings; and
- (12) Sections 154.480 et seq., Administration and Enforcement.  
(Prior Code, § 24-102) (Ord. 97-15; Ord. 2001-41)

Citations to the Hobart Municipal Code above shall apply to the version of the code in effect at the adoption date of this ordinance and to any revision of said code shall apply to the same or similar subject which may be in acted in the future.

## II. PURPOSE.

The purpose of this subchapter is to establish a district designed and intended to accommodate; retail, service, production, processing, cleaning, repair, testing, wholesaling and warehousing uses, and other miscellaneous uses which are most compatible with uses typically located in a light industrial park setting with access to major highways, expressways and railroads. Care is taken to ensure minimal land use and traffic conflicts and to provide adequate separation from residences.  
(Prior Code, § 24-103) (Ord. 97-15; Ord. 2001-41)

## III. LIMITATIONS OF USE.

Permitted uses in this PUD district are subject to the following additional general limitations:

- (A) Dwelling units are not permitted;
- (B) All businesses, services, processing or storage shall be conducted in completely enclosed buildings unless outside/outdoor sales, displays, and storage complies with the indicated regulation hereafter when applicable.  
(Ord. 2016-44, § 1)
- (C) Outside/outdoor sales, displays, and storage, all manufacturing and light industrial uses, services, processing or storage shall be conducted in completely enclosed buildings; except when outside/outdoor sales, and displays are in conjunction with “drive-in / drive-thru” establishments type use offering goods and services directly to customers waiting in parked motor vehicles; and shall be in compliance with open lot selling regulations when applicable.  
(Ord. 2019-14, § 1)
  - (1) Outside/outdoor sales, displays, and storage is a minimum of one hundred fifty feet (150’) from any residential district, and then only if the open storage is completely non-visible by reason of a wall or opaque fence, or as otherwise indicated hereafter.
  - (2) Outside/outdoor sales, displays, and storage approved and documented permanent outdoor sales, display, and storage areas shall be permitted accessory uses, tied to the primary use and in compliance with the following regulations and open lot selling when applicable.  
(Ord. 2019-14, § 2)

- (3) Outside/outdoor sales, displays, and storage shall not be located in any setbacks, easements, right-of-way, or off-street parking or loading service areas.
- (4) Outside/outdoor sales, displays, and storage shall be located behind the front or exterior wall of the main building facing any street and when applicable shall comply with all lot requirements in §154.307.
- (5) Outside/outdoor sales, displays, and storage shall not cover more than five percent (5%) of the lot area or an area in excess of twice the ground floor area of the main building on the lot, whichever is less.
- (6) Outside/outdoor sales, displays, and storage shall be screened according to the provisions of this Section.
- (7) No outside/outdoor sales, displays, and storage shall occur within any right-of-way.
- (8) Outside/outdoor sales, displays, and storage areas, regardless of size, shall be hard-surfaced, dust free pavement. The pavement type and thickness shall be reviewed at the Site Plan Review Committee prior to obtaining Plan Commission approval, taking into consideration soil conditions and traffic loading. Pervious pavements and pavers including durable materials, suitable for parking such as cobblestones, brick, concrete formed blocks or cut stone, the system of which is specifically installed and designed for vehicular loads shall also be considered. Sales and display areas shall be of concrete, asphaltic pavement, or other permanent paving material and shall be maintained in good condition.
  - (a) The maximum area for outdoor sales and display shall not exceed ten percent (10%) of the primary structure or primary tenant space.
  - (b) Every approved permanent outdoor sales and display area shall be within twenty feet (20') of the primary structure.
  - (c) Screening shall be provided for outdoor sales and display area that are greater than five hundred square feet (500) in size to reduce visibility of the outdoor sales and displays from the parking lot and primary roadways by installing a minimum twenty-four inch (24") opaque wall constructed from the same building material as the primary structure, and integrated into the design of the primary structure. The wall may be topped with a transparent fence.
  - (d) Outdoor sale and display of merchandise within an area of five hundred square feet (500) or less shall not block handicapped parking areas, parking lot access aisles, and shall maintain a forty-two-inch (42") clearance on all sidewalks.
- (9) A Type 1 landscaped buffer yard as described in HMC §154.423(F) may also be used. Plant material may be clustered for better view of displays. (Ord. 2019-14, § 3)
- (10) Screening. Outdoor storage of the types described below shall be screened with an opaque fence, split face block wall, continuous evergreen screen,

or a combination of the three. The screen must measure a minimum of eight feet (8') in height. The fences or walls shall be compatible with or constructed from the same building material as the primary structure, and integrated into the design of the primary structure.

- (11) Storage in Required Setbacks. No portion of any setback shall be used for permanent storage except during construction and in accordance with the terms of this section.
  - (12) Outside Storage. No outside storage shall be permitted between an established building line and the right-of-way of a major or minor arterial or collector or other street where a residential district exists on the opposite side of said street.
- (D) Same as B-3.
- (E) Bulk Storage for any use in which bulk storage is permitted for structures, buildings or aboveground tanks used for bulk storage of flammable or explosive liquids, gases or other material and meet screening requirements in HMC §154.237(A)(1).
- (1) Bulk Storage shall not be located closer than fifty feet (50') to the property line.
  - (2) Bulk Storage shall be enclosed within an opaque fence, or equivalent, of not less than eight feet (8') high, except as otherwise required by §154.212(B)(C)(F) Outdoor Sales, Display, and Storage Standards (this section).
  - (3) Bulk Storage Lots shall be screened according to the provisions of this Section.
- (F) However, open off-street loading facilities and open off-street parking of employee, customer/consumer motor vehicles may be unenclosed, except for the screening of parking and loading facilities as may be required under the provisions as set forth herein.  
(Prior Code, § 24-104) (Ord. 97-15; Ord. 2001-41; Ord. 2016-44, §1)

#### IV. PERMITTED USES.

The following listed uses and no others are permitted uses in this PUD district:

- (A) Retail and service uses as follows:
- (1) Building materials, sales;
  - (2) Cartage and express facilities;
  - (3) Contractor and construction shops;
  - (4) Ice sales;
  - (5) Linen, towel, diaper and other similar services;
  - (6) Office and household equipment and machinery, sales and service;

- (7) Parking garages and parking lots, other than accessory; and
  - (8) Planned unit developments, industrial.
- (B) Production, processing, distribution, storage, assembly, coating, cleaning, testing and repair, as follows:
- (1) Advertising displays;
  - (2) Art needlework and hand weaving;
  - (3) Automotive technology including artificial intelligence (AI), machine learning (ML);
  - (4) Awnings, draperies and venetian blinds;
  - (5) Bakeries;
  - (6) Beverages, non-alcoholic;
  - (7) Blacksmith shops and ornamental ironworks;
  - (8) Boat building and boat repairs of pleasure craft and other small craft, but not including ship building or shop repairs;
  - (9) Book binding and tooling, hand and machine worked;
  - (10) Bottling works, beverage;
  - (11) Brushes and brooms;
  - (12) Cameras and other photographic equipment and supplies;
  - (13) Canvas and canvas products;
  - (14) Ceramic products such as pottery and glazed tile;
  - (15) Clothing;
  - (16) Cosmetics and toiletries;
  - (17) Data processing, hardware and software;
  - (18) Dentures;
  - (19) Drugs, compounding only;
  - (20) Dry cleaning;
  - (21) Electrical appliances, such as fixtures, home appliances and toys;
  - (22) Electrical equipment assembly, such as television, radio and computer;
  - (23) Electrical supplies, manufacture and assembly of, such as wire and cable

- assembly, switches, lamps, insulation, lithium-ion/polymer, and dry cell batteries;
- (24) Emissions products, manufacture and refurbishment of, such as catalytic converters
  - (25) Food products (except for meat or fish), processing and combining of, including baking, boiling, canning, cooking, dehydrating, freezing, frying, grinding, mixing and pressing;
  - (26) Fuel, oils: kerosene, gasoline, hemp, cannabidiol and other liquid products limited to 120,000 gallons per tank, with the total storage not to exceed 500,000 gallons on site;
  - (27) Fur goods, not including tanning and dying;
  - (28) Glass products, from previously manufactured glass;
  - (29) Hair, felt and feather products, (except washing, curing and dying);
  - (30) Hat bodies of fur, felt and cloth;
  - (31) Hosiery;
  - (32) Ice, dry and natural;
  - (33) Ink mixing and packaging and inked ribbons;
  - (34) Insecticides;
  - (35) Jewelry;
  - (36) Laboratories, medical, dental, research, experimental and testing; provided that, there is no danger from fire or explosion, nor of offensive noise, vibration, smoke, dust, odors, heat, glare or other objectionable influences;
  - (37) Laundries;
  - (38) Leather products, including shoes and machine belting;
  - (39) Luggage;
  - (40) Machine shops for tool, die and pattern making;
  - (41) Metal finishing, plating, grinding, sharpening, grinding, polishing, cleaning, rust proofing and heat treatment;
  - (42) Metal stamping and extrusion of small products such as bottle caps, buttons, costume jewelry, kitchen utensils, pins and needles and razor blades;
  - (43) Musical instruments;
  - (44) Orthopedic and medical appliances, such as artificial limbs braces, supports and stretchers;

- (45) Paper products, small items such as envelopes and stationery, bags, boxes, tubes and wallpaper;
- (46) Perfumes and perfumed soaps, compounding only;
- (47) Pharmaceutical products, compounding only;
- (48) Precision instruments such as optical, medical, testing and measuring;
- (49) Products from finished materials, including, bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, semi-precious stones, shell or yarn;
- (50) Rubber products and synthetic treated fabrics, small items such as washers, gloves, footwear, bathing caps and atomizers;
- (51) Printing and newspaper publishing, including engraving and photoengraving;
- (52) Repair of household and office equipment;
- (53) Silverware, plate and sterling;
- (54) Soap and detergents, packaging only;
- (55) Soldering, lasering, and welding;
- (56) Sporting and athletic equipment such as balls, baskets, bats, cues, gloves racquets and rods;
- (57) Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations;
- (58) Textiles, including spinning, weaving, manufacturing, dyeing, printing, knit goods, yarn, thread and cordage, but not including textile bleaching;
- (59) Tobacco curing and manufacturing of tobacco products;
- (60) Tools and hardware such as bolts, nuts and screws, doorknobs, drills, hand tools and cutlery, hinges, house hardware, locks, non-ferrous metal castings and plumbing appliances and fixtures;
- (61) Toys;
- (62) Umbrellas;
- (63) Upholstering (bulk), including mattress manufacturing and rebuilding and renovating furniture;
- (64) Vehicles, children's such as bicycles, wagons and baby carriages;
- (65) Watches;
- (66) Wood products, such as furniture, boxes, crates, baskets, pencils and

cooperage works;

(67) Brewery;  
(Ord. 2012-38, § 3)

(68) Distillery; and  
(Ord. 2012-38, § 4)

(69) Winery.  
(Ord. 2012-38, § 5)

(C) Wholesaling and warehousing, including motor freight terminals;

(D) Public and community service uses, as follows:

- (1) Publicly-owned facilities and utilities;
- (2) Private utilities providing service to the public; and
- (3) Similar uses, as determined by the Plan Commission.

(E) Miscellaneous uses, as follows.

- (1) Radio and television towers; and
- (2) Signs, as regulated herein.

(F) Uses incidental to permitted uses, as follows:

- (1) Accessory uses;
- (2) Temporary buildings or structures for construction purposes, for a period not to exceed the duration of the construction; and
- (3) Eight-foot fence in height.  
(Prior Code, § 24-105) (Ord. 97-15; Ord. 2001-41; Ord. 2005-43)

## V. PERFORMANCE STANDARDS

(A) Noise

- (1) Sound levels shall be measured with a sound level meter and associated octave band filter manufactured according to standards prescribed by the American Standards Association. Measurements shall be made using the flat network of the sound level meter.
- (2) Impulsive type noise shall be subject to the performance standards hereinafter prescribed; provided that, the noise shall be capable of being accurately measured with such equipment. Noises capable of being so measured, for the purpose of this comprehensive amendment, shall be those noises which cause rapid fluctuations of the needle of the sound level meter with a variation of no more than plus or minus 2 decibels. Noises incapable of being so measured, such as those of an irregular and intermittent nature shall be controlled so as not to become a nuisance to adjacent uses.

- (3) At no point either on the boundary of an agricultural or residence district or an OS-1, OS-2, B-1, B-2 or B-3 district or at 125 feet from the nearest property line of a plant or operation, whichever distance is greater, shall the sound pressure level of an individual plant or operation (other than the operation of motor vehicles and other transportation facilities) exceed the decibel levels at the designated octave bands shown hereinafter for the districts indicated.

<i>Octave band cycles per second</i>	<i>Maximum permitted sound level in decibels along A-1, R and OS district boundaries or 125 feet from plant or operation boundary</i>	<i>Maximum permitted sound level in decibels along business district boundaries or 125 feet from plant or operation boundary</i>
0000 to 0075	67	73
0075 to 0150	62	68
0150 to 0300	58	64
0300 to 0600	54	60
0600 to 1200	49	55
1200 to 2400	45	51
2400 to 4800	41	47
Above 4800	37	43

(Prior Code, § 24-107) (Ord. 97-15; Ord. 2001-41)

(B) Odorous Matter

The emission of noxious odorous matter in such quantities as to produce a public nuisance beyond the property boundaries is prohibited.

(Prior Code, § 24-108) (Ord. 97-15; Ord. 2001-41)

(C) Vibration

Any process or equipment which produces intense earth-shaking vibrations, such as are created by heavy drop forges or heavy hydraulic surges, shall be set back at least 500 feet from the property boundaries on all sides, except for a property line adjoining an M-2 district where such set back shall not be mandatory. However, in no case shall such vibrations be allowed to create a public nuisance beyond the property boundaries.

(Prior Code, § 24-109) (Ord. 97-15; Ord. 2001-41)

(D) Toxic or Noxious Matter

No use of any property shall discharge across the boundaries of the property toxic and noxious matter in such concentrations as to be detrimental or to endanger the public health, safety, comfort or welfare or to cause injury or damage to other property or business.

(Prior Code, § 24-110) (Ord. 97-15; Ord. 2001-41)

(E) Glare or Heat

Any operation producing intense glare or heat shall be performed within a completely enclosed building and effectively screened in such a manner as to not create a public nuisance or hazard along property boundaries.

(Prior Code, § 24-111) (Ord. 97-15; Ord. 2001-41)

(F) Fire and Explosive Hazards

(1) Fire and explosive hazards shall be controlled as follows.

- (a) Activities involving the storage or manufacture of materials or products which decompose by detonation are not permitted.
- (b) The storage, utilization or manufacture of materials ranging from incombustible to moderate burning as determined by the Zoning Administrator, is permitted.
- (c) The storage, utilization or manufacture or products ranging from free or active burning to intense burning, as determined by the Zoning Administrator, is permitted under the following conditions.
  1. All storage, utilization or manufacture of the materials or products shall be within completely enclosed buildings or structures having incombustible walls.
  2. All buildings or structures shall be set back at least 40 feet from the property boundaries or, in lieu thereof, shall be protected throughout by an automatic sprinkler system complying with standards for installation prescribed by the National Fire Protection Association.
- (d) Materials or products which produce flammable or explosive vapors or gasses under ordinary weather temperatures shall not be permitted in this district, with the exception of the following which are permitted:
  1. Materials required for emergency or stand-by equipment;
  2. Materials used in secondary processes which are auxiliary to a principal operation, such as paint spraying of finished products; and
  3. Flammable liquids and oils, sold and used in conjunction with the operation of an automobile and customarily required or used in such operation.  
(Prior Code, § 24-112) (Ord. 97-15; Ord. 2001-41)

(G) Air Pollution

Any use which may cause emission of pollutants into the air shall conform with applicable air quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency.

(Prior Code, § 24-113) (Ord. 97-15; Ord. 2001-41)

(H) Water Pollution

Any use which may cause emission of pollutants into streams, rivers, lakes, waterways or watercourses, or into the underground water supply and aquifers

shall conform with applicable water quality regulations of the State of Indiana Department of Environmental Management and the United States Environmental Protection Agency.  
(Prior Code, § 24-114) (Ord. 97-15; Ord. 2001-41)

VI. LIGHT MANUFACTURING DEVELOPMENT AND DESIGN GUIDLINES

- (A) The following development regulations shall be determined by the approved final plan, attached in VI (B).
- (1) Floor Area Ratio
  - (2) Front Yard Setback
  - (3) Side Yard Setback
  - (4) Rear Yard Setback
  - (5) Maximum Building Height
  - (6) Lot Area
  - (7) Lot Width
  - (8) Lot Frontage
  - (9) Lot Coverage



**MEMORANDUM**

**DATE:** NOVEMBER 10, 2020

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

**FROM:** SERGIO MENDOZA, CITY PLANNER 

**RE:** REZONE ADDITIONAL PROPERTY TO PUD & ADD  
REGULATIONS  
PLAN COMMISSION PETITION 20-23

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 20-23, a petition to revise legals to match where the billboard signs were built, add vacated 36<sup>th</sup> Avenue as shown on plat and add vacated Tolleston on the Hill Sub. on plat located north of 37<sup>th</sup> Ave. & west of I-65 zoned PUD & M-1, 8.88 acres +/-

DRAFT PUBLIC HEARING MINUTES FOR THE NOVEMBER 5, 2020 MEETING OF THE PLAN COMMISSION: Representing the petitioner was Attorney Richard Anderson, 9211 Broadway, Merrillville, IN. Attorney Anderson stated the request for the 1<sup>st</sup> Amendment to the PUD initially is due to the 2 areas which are designated for billboards and that are excluded from property. It was discovered that when the billboard company applied for an additional billboard on a third parcel of property, that the parcels and legals did not correspond with each. He stated that since his client was in the process of correcting the legals for the billboards, they would basically proceed with housekeeping and square off the PUD zoned property by including the previously vacated Tolleston on the Hill Subdivision and 36<sup>th</sup> Avenue. At this time, there are no plans for revisions for the property other than to incorporate the M-1 uses into the PUD including the use of the existing business which makes catalytic converters. Ms. Galka opened and closed the public hearing for Petition 20-23 without public comments. Mr. Mendoza suggested removing some of the M-1 uses that might feel are inappropriate for that area. Attorney Anderson mentioned he was unaware of the removed proposed uses and requested to be able to present them to his client for their approval. Mr. Allen motioned for a Favorable Recommendation the Common Council for Petition 20-23 with the stipulation the petitioner be allowed to review the removed uses including all discussion and Findings of Fact, seconded by Mr. Lain. All ayes, motion carried. (8-0)

**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: November 10, 2020

PETITIONER: 4410 W. 37<sup>th</sup> LLC  
101 N. Main Street  
Crown Point, IN 46307

REQUEST: Rezone additional property to PUD & add regulations

PROPOSED USE: Proposed industrial warehousing or manufacturing

GENERAL LOCATION: North of 37<sup>th</sup> Avenue & west of I-65

LEGAL DESCRIPTION: A PARCEL OF LAND LYING IN THE SOUTHWEST QUARTER OF SECTION 23, TOWNSHIP 36 NORTH, RANGE 8 WEST OF THE 2ND PRINCIPAL MERIDIAN, LAKE COUNTY, INDIANA, SAID PARCEL BEING PART OF VAP INDUSTRIAL PARK, A PLANNED UNIT DEVELOPMENT (HEREINAFTER REFERRED TO AS VAP), AS SHOWN IN PLAT BOOK 87, PAGE 80 IN THE OFFICE OF THE RECORDER OF SAID COUNTY, SAID PARCEL ALSO CONTAINING LOTS 1 THROUGH 6, BOTH INCLUSIVE IN BLOCK 9 IN TOLLESTON ON THE HILL SUBDIVISION, AS SHOWN IN PLAT BOOK 2, PAGE 55 IN SAID RECORDER'S OFFICE, THE VACATED PORTION OF 36TH AVENUE LYING NORTH OF SAID BLOCK 9 AND THE VACATED ALLEY LYING EAST OF SAID BLOCK 9, (BOTH SAID STREET AND ALLEY VACATED BY THE CITY OF HOBART ORDINANCE 97-17), SAID PARCEL OF LAND DESCRIBED AS: BEGINNING AT THE NORTHWEST CORNER OF SAID VAP; THENCE NORTH 89 DEGREES 53 MINUTES 49 SECONDS EAST, 332.82 FEET ALONG SAID NORTH LINE OF VAP TO THE WEST RIGHT OF WAY LINE OF INTERSTATE HIGHWAY 65 (HEREINAFTER REFERRED TO AS I-65); THENCE SOUTH 00 DEGREES 47 MINUTES 30 SECONDS EAST, 480.55 FEET ALONG SAID WEST RIGHT OF WAY LINE; THENCE SOUTH 09 DEGREES 50 MINUTES 00 SECONDS EAST, 34.35 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE NORTHWEST CORNER OF A PARCEL OF LAND DESCRIBED TO THE STATE OF INDIANA RECORDED IN DOCUMENT NUMBER 2002 047478 ON MAY 22, 2002 IN SAID RECORDER'S OFFICE; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 30.37 FEET ALONG THE WEST LINE OF SAID STATE PARCEL TO THE NORTH LINE OF LAND DESCRIBED TO J. PAUNICKA PARTNERS RECORDED IN DOCUMENT NUMBER 2019-075853 ON NOVEMBER 4, 2019 IN SAID RECORDER'S OFFICE; THENCE THE FOLLOWING 3 COURSES AND DISTANCES ALONG THE NORTH, WEST, AND SOUTH LINES OF SAID PAUNICKA LAND:

1.) NORTH 89 DEGREES 59 MINUTES 27 SECONDS WEST, 20.53 FEET;  
2.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 25.00 FEET;  
3.) SOUTH 89 DEGREES 59 MINUTES 27 SECONDS EAST, 20.53 FEET TO THE WEST  
LINE OF SAID STATE PARCEL; THENCE THE FOLLOWING 4 COURSES AND  
DISTANCES ALONG THE WESTERLY LINES OF SAID STATE PARCEL:  
1.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 65.43 FEET;  
2.) SOUTH 89 DEGREES 58 MINUTES 50 SECONDS EAST, 7.50 FEET;  
3.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 77.95 FEET;  
4.) SOUTH 03 DEGREES 30 MINUTES 51 SECONDS WEST, 108.06 FEET TO THE  
SOUTHERLY CORNER OF SAID STATE PARCEL; THENCE SOUTH 00 DEGREES 27  
MINUTES 56 SECONDS EAST, 298.07 FEET ALONG SAID WEST RIGHT OF WAY LINE  
TO THE NORTHEAST CORNER OF LAND DESCRIBED TO J. PAUNICKA PARTNERS IN  
DOCUMENT NUMBER 2019-075854 ON NOVEMBER 4, 2019 IN SAID RECORDER'S  
OFFICE; THENCE ALONG THE NORTH, WEST, AND SOUTH LINES OF LAST SAID  
PAUNICKA LAND THE FOLLOWING THREE COURSES AND DISTANCES:  
1.) NORTH 89 DEGREES 53 MINUTES 20 SECONDS WEST, 25.00 FEET;  
2.) SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST, 25.21 FEET;  
3.) SOUTH 89 DEGREES 53 MINUTES 02 SECONDS EAST, 25.00 FEET TO SAID WEST  
RIGHT OF WAY LINE; THENCE SOUTH 00 DEGREES 27 MINUTES 56 SECONDS EAST,  
56.08 FEET ALONG SAID WEST RIGHT OF WAY LINE TO THE SOUTH LINE OF VAP;  
THENCE SOUTH 84 DEGREES 07 MINUTES 22 SECONDS WEST, 95.37 FEET ALONG  
LAST SAID SOUTH LINE; THENCE NORTH 89 DEGREES 51 MINUTES 30 SECONDS  
WEST, 246.56 FEET ALONG THE SOUTH LINE OF VAP TO THE WEST LINE OF VAP;  
THENCE ALONG THE WESTERLY LINES OF VAP AND THE WESTERLY LINE OF  
SAID TOLLESTON ON THE HILL THE FOLLOWING 5 COURSES AND DISTANCES:  
1.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 364.93 FEET;  
2.) NORTH 70 DEGREES 19 MINUTES 21 SECONDS EAST, 31.77 FEET;  
3.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 707.38 FEET;  
4.) SOUTH 89 DEGREES 55 MINUTES 21 SECONDS WEST, 30.00 FEET;  
5.) NORTH 00 DEGREES 26 MINUTES 56 SECONDS WEST, 125.93 FEET;  
TO THE POINT OF BEGINNING,

EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: COMMENCING  
AT THE NORTHEAST CORNER OF SAID VAP, THENCE SOUTH 00 DEGREES 47  
MINUTES 30 SECONDS EAST, 28.38 FEET ALONG THE EAST LINE OF SAID VAP;  
THENCE SOUTH 89 DEGREES 12 MINUTES 30 SECONDS WEST, 38.76 FEET TO THE  
POINT OF BEGINNING OF SAID EXCEPTION; THENCE SOUTH 00 DEGREES 47  
MINUTES 30 SECONDS EAST, 25.00 FEET; THENCE SOUTH 89 DEGREES 12 MINUTES  
30 SECONDS WEST, 25.00 FEET; THENCE NORTH 00 DEGREES 47 MINUTES 30  
SECONDS WEST, 25.00 FEET; THENCE NORTH 89 DEGREES 12 MINUTES 30  
SECONDS EAST, 25.00 FEET TO THE POINT OF BEGINNING OF SAID EXCEPTION,  
SAID OVERALL PARCEL LESS EXCEPTION CONTAINING 8.88 ACRES MORE OR  
LESS.

PLAN COMMISSION PETITION NO.: 20-23

DATE OF PLAN COMMISSION ACTION: November 5, 2020

DEADLINE FOR CITY COUNCIL ACTION: February 3, 2021

CERTIFICATION:

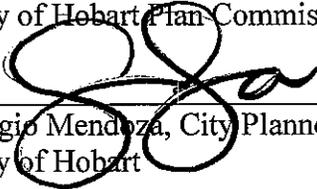
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: The petitioner be allowed to review the removed uses

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  
City of Hobart

CATCO / NAP LLC  
AMENDMENT  
TO PUD

PC 20-23

**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.

The PUD Amendment is to correct the legal descriptions on two tower sites and to add property to the existing PUD which is surrounded by the existing PUD on three sides.

The rezone should ~~XXXXXX~~ be granted because ~~XXXXXX~~ <sup>it meets</sup> ~~XXXXXX~~ all the following requirements ~~X~~:

- X (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.
- X (b) the comprehensive plan will not be disrupted or destroyed because:  
the PUD zoning already exists.
- X (c) the land involved is suitable for the proposed land change because:  
the additional property is surrounded on three sides by the existing PUD.
- X (d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: the property to be added is flat and currently not going to be used for any purpose other than inclusion in the PUD.
- X (e) the property value of adjacent property would not be decreased because:  
Because the State of Indiana owns the property to the east of the PUD and the Petitioner owns the land to the west of the PUD.

4410 W. 37th LLC

By: Matthew M. Bapple  
Signature of Petitioner/Agent, Matthew M. Bapple, VP of Finance

Date 10/5/2020

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 not~~ Does comply with the standards in the zoning ordinance.  
All of which this 5th day of November, 2020 by a majority vote of the Hobart Advisory

Plan Commission.  
Maria Gaek  
Plan Commission President

Attest:  
Jana D. S.  
Plan Commission Secretary/Zoning Official