

ORDINANCE NO. 2021- 02

**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 & B-3 ZONE TO PBP ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 20-25** 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) and B-3 (Highway Oriented Business District) zoning classification to PBP (Planned Business Park District) classification:

Parcel 1:

A part of the NE $\frac{1}{4}$ of SE $\frac{1}{4}$ of Sec. 24-T35N-R8W of the 2nd P.M. described as follows: Commencing at a point 2106.1' North of the SE Cor. of said Sec. 24 and on the E.L. of said Section 24, thence West parallel to the N.L. of SE $\frac{1}{4}$ of said Sec. 24, a distance of 522.5'; thence North parallel to the E.L. of said Sec. 24, a distance of 436.6' to the South R/W line of US #30; thence West along the S.L. of R/W of US #30, a distance of 200'; thence South parallel to the E.L. of said Sec. 24, a distance of 617.64'; thence East parallel to the N.L. of SE $\frac{1}{4}$ of Sec. 24, a distance of 722.5' to the E.L. of said Sec. 24; thence North along the E.L. of said Sec. 24, a distance of 180.52' to the place of beginning, in Lake Co., Indiana. Subject to easement for highway purposes over North 40 feet.

Parcel 2:

The South 100' of the North 823.12' of the East 722.5' of the NE $\frac{1}{4}$ SE $\frac{1}{4}$ of Sec. 24-T35N-R8W of the 2nd P.M. in Lake Co., Ind.

Parcel II:

Part of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian, in lake County, Indiana, more particularly described as follows: Beginning at a point on the East line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ and 88.66 feet South

of the Northeast corner thereof; thence North 88.66 feet to the Northeast corner of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$; thence West along the North line of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, 528 feet; thence South parallel to the East line of said Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$, 85.05 feet to the center line of County Road; thence East along the center line of said County Road, 528 feet to the place of beginning.

Parcel III:

The East 58.44 feet to the Northwest $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ except the South 580.58 feet in Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana.

Parcel IV:

The Northeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana, except the West 481.56 feet of the South 580.58 feet; also except the East 722.5 feet of the North 823.12 feet and also except a parcel described as follows: Beginning at a point 550 feet West of the Southeast corner of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence Westerly 200 feet to a point 750 feet West of the east line of said $\frac{1}{4}$ $\frac{1}{4}$ section; thence North 279.95 feet; thence East 100 feet; thence South to a point 115.1 feet North of the South line of the $\frac{1}{4}$ $\frac{1}{4}$ section; thence East 100 feet; thence South 115.1 feet to the point of beginning.

Parcel V:

A parcel of land in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24; Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana more particularly described as follows: Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24; thence Westerly along the North line of said $\frac{1}{4}$ $\frac{1}{4}$ a distance of 750.0 feet to the point of beginning; thence continuing along the North line of said $\frac{1}{4}$ $\frac{1}{4}$, 90.0 feet; thence Southerly and parallel with the East line of said $\frac{1}{4}$ $\frac{1}{4}$, 83.03 feet to the center line of county road; thence Easterly along the center line of said road to a point 750.0 feet West of the east line of said $\frac{1}{4}$ $\frac{1}{4}$ and 83.54 feet South of the North line of said $\frac{1}{4}$ $\frac{1}{4}$, thence Northerly and parallel with the east line of said $\frac{1}{4}$ $\frac{1}{4}$, 83.54 feet to the point of beginning.

Parcel VI:

A parcel of land in the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana, more particularly described as follows: Beginning at the Northeast corner of the Southeast $\frac{1}{4}$ of the Southeast $\frac{1}{4}$ of said Section 24, thence West along the North line of said $\frac{1}{4}$ $\frac{1}{4}$, 528 feet to the point of beginning; thence continuing along the North line of said $\frac{1}{4}$ $\frac{1}{4}$, 22.0 feet; thence Southerly and parallel with the East line of said $\frac{1}{4}$ $\frac{1}{4}$, 84.90 feet to the center line of a county road; thence Easterly along the center line of said road to a point 528.0 feet West of the east line of said $\frac{1}{4}$ $\frac{1}{4}$ and 85.05 feet South of the North line of said $\frac{1}{4}$ $\frac{1}{4}$; thence Northerly and parallel with the east line of said $\frac{1}{4}$ $\frac{1}{4}$, 85.05 feet to the point of beginning.

Excepting from the above described Parcels that land included in the Clay Parkway Phase 1 Subdivision, recorded January 18, 2002 in Plat Book 91, Page 34.

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.

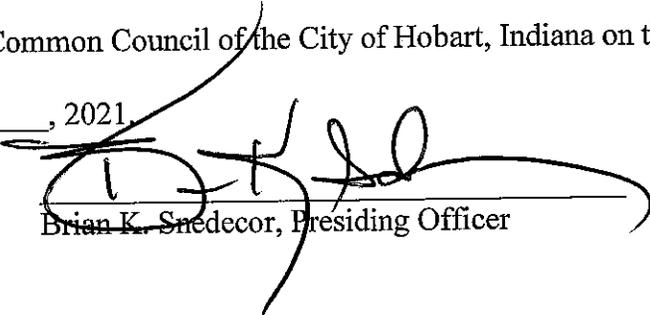
SECTION 3. The Common Council of the City of Hobart finds the zone change will take effect upon the following conditions being fulfilled by the owner:

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.

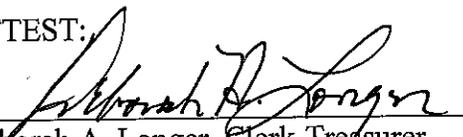
SECTION 4. That the City Engineer and/or Zoning Administrator is hereby authorized and directed upon the enactment and approval of this Ordinance, to cause a change to be made on the zone maps, to make certain notations in ink thereof and to record the date of passage of this Ordinance.

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 3rd day of March, 2021.

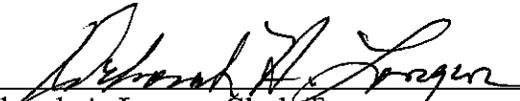

Brian K. Snedecor, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

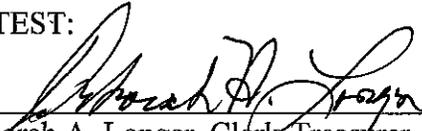
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

3rd day of March, 2021 at 7:00 o'clock P.M.


Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 3rd day of
March, 2021.


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, City Planner

RE: Change to be made on the zone map.

DATE: February 8, 2021

PETITIONER: Jim R. Sapp/Rise Commercial District
8070 Castleton Road
Indianapolis, IN 46250

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

PROPOSED USE: Office & warehouse

GENERAL LOCATION: West of Clay Street, South of US 30 & North of 83rd Avenue

LEGAL DESCRIPTION Parcel 1:
A part of the NE ¼ of SE ¼ of Sec. 24-T35N-R8W of the 2nd P.M. described as follows: Commencing at a point 2106.1' North of the SE Cor. of said Sec. 24 and on the E.L. of said Section 24, thence West parallel to the N.L. of SE ¼ of said Sec. 24, a distance of 522.5'; thence North parallel to the E.L. of said Sec. 24, a distance of 436.6' to the South R/W line of US #30; thence West along the S.L. of R/W of US #30, a distance of 200'; thence South parallel to the E.L. of said Sec. 24, a distance of 617.64'; thence East parallel to the N.L. of SE ¼ of Sec. 24, a distance of 722.5' to the E.L. of said Sec. 24; thence North along the E.L. of said Sec. 24, a distance of 180.52' to the place of beginning, in Lake Co., Indiana.
Subject to easement for highway purposes over North 40 feet.

Parcel 2:
The South 100' of the North 823.12' of the East 722.5' of the NE ¼ SE ¼ of Sec. 24-T35N-R8W of the 2nd P.M. in Lake Co., Ind.

Parcel II:

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Parcel VI:

A parcel of land in the Southeast ¼ of the Southeast ¼ of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian, in Lake County, Indiana, more particularly described as follows: Beginning at the Northeast corner of the Southeast ¼ of the Southeast ¼ of said Section 24, thence West along the North line of said ¼ ¼, 528 feet to the point of beginning; thence continuing along the North line of said ¼ ¼, 22.0 feet; thence Southerly and parallel with the East line of said ¼ ¼, 84.90 feet to the center line of a county road; thence Easterly along the center line of said road to a point 528.0 feet West of the east line of said ¼ ¼ and 85.05 feet South of the North line of said ¼ ¼ ; thence Northerly and parallel with the east line of said ¼ ¼, 85.05 feet to the point of beginning.

Excepting from the above described Parcels that land included in the Clay Parkway Phase 1 Subdivision, recorded January 18, 2002 in Plat Book 91, Page 34.

PLAN COMMISSION PETITION NO.: 20-25

DATE OF PLAN COMMISSION ACTION: February 4, 2021

DEADLINE FOR CITY COUNCIL ACTION: May 5, 2021

CERTIFICATION:

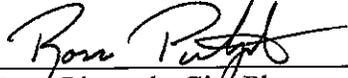
ACTION TAKEN BY PLAN COMMISSION:

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.



Ross Pietrzak, City Planner
City of Hobart

Use Commercial District

PC 20-25

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.

In accordance with the city comprehensive plan and its 2016 future land use map, this application conforms to the recommendation for central business and industrial uses. The site's current conditions is conducive to the proposed development, represents a desirable land use that has a demonstrated need in the area and will help conserve property values in the city and promote positive economic development through responsible development and smart growth.

The rezone should/should not be granted because; (Must meet all the following requirements.)

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 proposal is in conformance with the 2016 plan.

X (c) the land involved is suitable for the proposed land change because:
This proposal will help provide a good buffer between existing commercial and residential uses.

X (d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: As demonstrated on the site plan, the site has no topographic challenges.

X (e) the property value of adjacent property would not be decreased because:
This would help enhance economic development and provide for a good neighbor for housing.

[Signature]
Signature of Petitioner/Agent

10-29-20
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 or Does Not comply with the standards in the zoning ordinance.

All of which this 4th day of February, 2021 by a majority vote of the Hobart Advisory Plan Commission.

[Signature]
Plan Commission President

Attest:
[Signature]
Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: FEBRUARY 8, 2021

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

FROM: ROSS PIETRZAK, CITY PLANNER

RE: PETITION TO REZONE PROPERTY
PLAN COMMISSION PETITION 20-25

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 20-25, a petition request to rezone from R-2 (Single Family Residential) & B-3 (Highway Oriented Business District) to PBP (Planned Business Park District) for property located west of Clay Street, south of US 30 and north of 83rd Avenue, zoned R-2 & B-3, 14.31 acres.

PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF JANUARY 7, 2021: Tabled at acceptance of agenda

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF FEBRUARY 4, 2021: Present via zoom were Attorney James Wieser, 429 W. Lincoln Hwy., Schererville and Jim Sapp. Mr. Sapp explained this will be the 10th proposed facility of its kind that offers renting co-warehousing for small businesses starting out and as they outgrow the location will relocate to a larger facility within the area. The proposed buildings are intended for storage while only 30% of the buildings will have offices. He noted there are conversations with the city regarding a frontage road. Mr. Vinzant requested clarification of the proposed development as to whether it is an office space or a storage facility. He noted parking was not adequate for employees and questioned whether the buildings will have retail customers and provide safety and security for the businesses. Mr. Sapp responded by saying there will be no retail and their traffic survey indicate approximately 100 vehicles enter the site daily either dropping off or picking up materials, as well as, UPS and Fed X deliveries. Hours of operation for staff is 8 a.m. to 4:30 p.m. but the tenants are able to access the property 24/7. There will be no hazardous or flammable materials allowed and the tenants are to provide a \$2 million insurance certificate. Ms. Galka opened the public hearing for Petition 20-25. *Mark Hayes, 4200 Harms Rd. questioned how this will impact his neighbor's houses.* Mr. Sapp stated there will be fencing and landscaping surrounding the proposed facility. *Mark Kopil questioned whether MCD was contacted.* He was informed this request is only for a rezone. Mr. Pietrzak read a letter received via email.

To whom it may concern,

I'd like to submit questions for the proposed business park rezone for petition 20-25 hearing. My name is Tom Modica, I am the occupied owner of 4916 E 83rd Ave, Merrillville and I own 4900 East 83rd Avenue, my property is directly east of Clay Street from the proposed business park.

1. *The plan shows over 148 parking spaces. How much traffic is proposed to be at this complex?*
2. *Concerning traffic, will the stop signs at 83rd Ave and Clay Street be sufficient or will traffic lights be needed?*
3. *Will there be trucks and construction equipment running in and out of there as a part of daily operations for the businesses at the business park?*
4. *What type of businesses are being proposed to occupy and what type of noise will they be making?*
5. *Will the businesses be operating under normal business hours?*
6. *Will any businesses be using or storing any type of hazardous chemicals?*
7. *Will the Park/businesses house any type of in ground or above ground fuel tanks*
8. *Will there be any abnormal smells or smoke that will be released as part of business operations?*
9. *Will there be any type of significant overhead lighting that could possibly shine down on adjacent properties?*
10. *What will be done to mitigate drainage/runoff and how will this affect adjacent property's concerning flooding and well water quality?*
11. *Will there be a plan to deal with trash that could blow over to adjacent properties?*
12. *Will the street have to be widened and will you have to exercise easement or eminent domain laws on property owners to do this?*
13. *To the petitioner, Is this the type of facility that you would want in your back yard?*
14. *Another concern is the displacement of wildlife that maybe be living on the property.*

Thank you

Tom Modica

Attorney Wieser stated some of the questions were previously addressed that pertained to the rezone while others will be addressed during site plan review. Hearing no further public comments Ms. Galka closed the public hearing for Petition 20-25. Mr. Pietrzak informed the commission there have been conversations with the petitioner in regards to the continuation of the east/west frontage road along US 30 and stated the State indicated they do not want frontage roads connecting close to US 30 intersections and the continuation of the frontage road east is not a viable option. Discussions have included to bend the road south and then east along the property line of this development and the 2 properties to the north. The proposed development will be required to install half of the road and as development occurs to the north, that development will install the other half. Mr. Spain mentioned he understands this type of development is the future trend but he expressed his concerns whether this is the right location and if these buildings will continue to stand up over time. Mr. Chhutani motioned for a Favorable Recommendation to the Common Council for Petition 20-25 including all discussion and Findings of Fact, seconded by Mr. Vinzant. All ayes, motion carried. (9-0)