

ORDINANCE NO. 2021-07

**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 PUD ZONE TO B-3 ZONE CLASSIFICATION**

WHEREAS, THE HOBART CITY PLAN COMMISSION by a majority vote recommended that its **Petition No. 21-12** 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 PUD (Planned Unit Development) classification to B-3 (Highway Oriented Business District) zoning classification:

PART OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., IN LAKE COUNTY, INDIANA, DESCRIBED AS COMMENCING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY 30, SAID POINT BEING 1721 FEET EAST OF THE WEST LINE OF SAID SECTION 24, AS MEASURED ALONG SAID SOUTH LINE; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 280.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, 201.66 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 298.99 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 08 SECONDS WEST, 136.53 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST, 200.94 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST, 435.52 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, EXCEPT THE SOUTH 28 FEET THEREOF AND ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: PART OF THE SW 1/4 OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, DESCRIBED AS: COMMENCING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY #30, SAID POINT BEING 1721.09 FEET EAST OF THE WEST LINE OF SAID SECTION 24 AS MEASURED ALONG SAID SOUTH LINE; THENCE

SOUTH 00 DEGREES 01 MINUTES 9 SECONDS EAST, 280.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, 201.66 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST 190.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST 201.66 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST, 190.00 FEET TO THE POINT OF BEGINNING.

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.

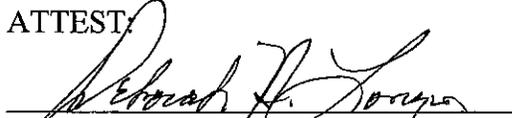
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise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

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

21st day of April, 2021.



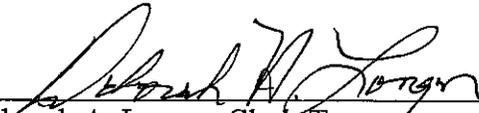
~~Brian K. Snedecor~~, Presiding Officer
Matthew Claussen,

ATTEST:


Deborah A. Longer, Clerk-Treasurer

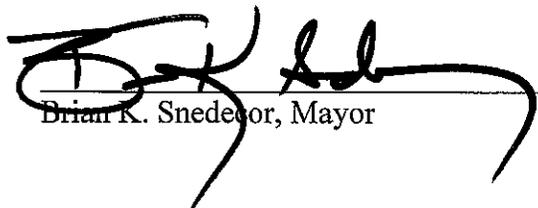
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

22nd day of April, 2021 at 4 o'clock P.M.

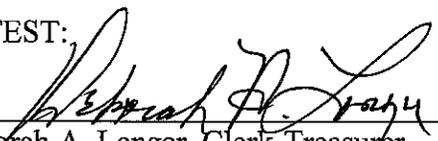

Deborah A. Longer, Clerk-Treasurer

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

MAY, 2021.


Brian K. Snedeker, 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: April 5, 2021

PETITIONER: Bud Scheffer
Scheffer International
1907 Briam Dr.
Valparaiso, IN 46410

REQUEST: Change zone from PUD (Planned Unit Development) classification to B-3 (Highway Oriented Business District)

PROPOSED USE: Small machine shop & paint booth

GENERAL LOCATION: Approximately 500' south from the SE corner of Utah St. & US 30

LEGAL DESCRIPTION PART OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., IN LAKE COUNTY, INDIANA, DESCRIBED AS COMMENCING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY 30, SAID POINT BEING 1721 FEET EAST OF THE WEST LINE OF SAID SECTION 24, AS MEASURED ALONG SAID SOUTH LINE; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 280.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, 201.66 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 298.99 FEET; THENCE SOUTH 00 DEGREES 02 MINUTES 08 SECONDS WEST, 136.53 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST, 200.94 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST, 435.52 FEET TO A POINT, SAID POINT BEING THE TRUE POINT OF BEGINNING, EXCEPT THE SOUTH 28 FEET THEREOF AND ALSO EXCEPTING THEREFROM THE FOLLOWING DESCRIBED PARCEL: PART OF THE SW 1/4 OF SECTION

24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE 2ND P.M., LAKE COUNTY, INDIANA, DESCRIBED AS: COMMENCING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY #30, SAID POINT BEING 1721.09 FEET EAST OF THE WEST LINE OF SAID SECTION 24 AS MEASURED ALONG SAID SOUTH LINE; THENCE SOUTH 00 DEGREES 01 MINUTES 9 SECONDS EAST, 280.00 FEET TO THE TRUE POINT OF BEGINNING; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, 201.66 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST 190.00 FEET; THENCE NORTH 89 DEGREES 48 MINUTES 11 SECONDS WEST 201.66 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST, 190.00 FEET TO THE POINT OF BEGINNING.

PLAN COMMISSION PETITION NO.: 21-12

DATE OF PLAN COMMISSION ACTION: April 1, 2021

DEADLINE FOR CITY COUNCIL ACTION: June 30, 2021

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 5-0

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

 4/5/21

Ross Pietrzak, City Planner
City of Hobart

Rezone
S203 UTAH SR.

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 MOVE FROM COUNTY DISTRICT (PUD) TO STRAIGHT CITY ZONING TO B3. THIS DOESN'T CHANGE THE NATURE OR USES CURRENTLY AVAILABLE AT THE PROPERTY & ADDS REGULATION NOT CLEARLY STATED IN THE PUD

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:
LOT TOO SMALL FOR INDUSTRIAL ZONING / B3 IS THE NEXT FEASIBLE

(c) the land involved is suitable for the proposed land change because:
LAND IS SUITABLE & WE ARE NOT REQUESTING ANY AMENDMENTS

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: WE WOULD NOT CHANGE THE GROUND TO DO BUSINESS

(e) the property value of adjacent property would not be decreased because:
SITE ALREADY FUNCTIONS AS A BUSINESS ZONE PROPERTY

Bud Scheffer
Signature of Petitioner/Agent

3/9/21
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 1st day of April, 2021 by a majority vote of the Hobart Advisory

Plan Commission.

[Signature]
Plan Commission President

Attest:

[Signature]
Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: APRIL 5, 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 21-12

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 21-12, a petition request to rezone from PUD (Planned Unit Development) to B-3 (Highway Oriented Business District) for a proposed small machine shop & paint booth, zoned PUD, 1 acre

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF April 1, 2021: Petitions 21-12 & 21-12A were discussed together. Mr. Scheffer explained they are an engineering, manufacturing and sales/service company that was established in 2008. The products are designed and built for the purpose of producing direct mail (junk mail) and magazine covers from a printed roll. Due to the nature of the industry becoming digital, they are downsizing from their previous location in Crown Point to the Utah Street location. The paint booth is certified with the State of Indiana and a State of Indiana fire suppression system. Mr. Scheffer also proposed a 1-lot subdivision (Utah Business Center). Mr. Vinzant opened and closed the public hearings for Petition 21-12 & 21-12A without hearing public comments. Mr. Spain noted that Mr. Scheffer appeared before the BZA for a Use Variance which was given a Favorable Recommendation to the Common Council contingent upon the approved rezone. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 21-12 including all discussion, seconded by Mr. Lain. All ayes, motion carried. (5-0)