

CITY OF HOBART, INDIANA
ORDINANCE NO. 2021-18

**AN ORDINANCE TO REZONE CERTAIN PARCELS OF REAL ESTATE WITHIN AN
ESTABLISHED PUD ZONING CLASSIFICATION TO A NEW PUD ZONING
CLASSIFICATION**

WHEREAS, the Board of Lake County Commissioners previously adopted Resolution No. 957, which rezoned a parcel of real estate in the City from Rural Business Zone (B-2) and Single-Family Residential Zone (R-2) to Regional Shopping Center (BP-3); and

WHEREAS, the Council of the City previously adopted Ordinance Number 93-31 as amended, and thereafter adopted in Ordinance 93-59, which rezoned a parcel of real estate in the City from Regional Shopping Center (BP-3) to Planned Unit Development District (PUD); and

WHEREAS, The Hobart City Plan Commission ("Commission") by a majority vote recommended that its **Petition No. 21-28** be adopted and that the Council amend the Covenants and Restrictions governing aforementioned parcels of real estate; and

WHEREAS, the Covenants and Restrictions for said PUDs 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 Council of the City:

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 rezoning the existing PUD District to a new PUD District with the regulations attached herein as Exhibit "A;" for the following described real estate:

That part of Claymoor Park as shown in Plat Book 51, page 21 in the Office of the Recorder of Lake County, Indiana, and a part of the Southeast Quarter of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 24; thence South 00 degrees 00 minutes 00 seconds East along the West line of said Southeast Quarter a distance of 1,142.53 feet to the point of beginning; thence South 90 degrees 00 minutes 00 seconds East, a distance of 477.86 feet; thence South 00 degrees 00 minutes 14 seconds East, a distance of 186.48 feet more or less to the South line of said Claymoor Park; thence South 71 degrees 18 minutes 36 seconds West, a distance of 187.69 feet; thence South 90 degrees 00 minutes 00 seconds West continuing along the said South line, a distance of 300.08 feet more or less to the West line of the Southeast Quarter of said Section 24; thence North 00 degrees 00 minutes 00 seconds West along the said West line, a distance of 246.63 feet more or less to the Point of Beginning.

SECTION 2. The 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 Council of the City 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 Council of the City; upon the approval of the Mayor of the City; 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

4th day of August, 2021.


Brian K. Snedecor, Presiding Officer

ATTEST:


Deborah A. Longer, Clerk-Treasurer

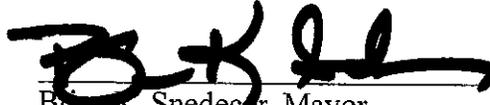
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

4th day of August, 2021 at 7:30 o'clock P.M.


Deborah A. Longer, Clerk-Treasurer

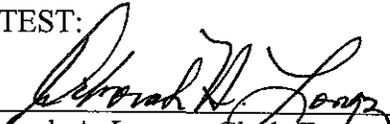
APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 4th day of

August, 2021.



Brian K. Snedecor, Mayor

ATTEST:



Deborah A. Longer, Clerk-Treasurer

EXHIBIT A
SOUTHLAKE INDUSTRIAL PARK-PUD LIGHT
INDUSTRIAL DISTRICT PUD DISTRICT REGULATIONS

(Attached)

EXHIBIT A
SOUTHLAKE INDUSTRIAL PARK – PUD LIGHT
INDUSTRIAL DISTRICT PUD DISTRICT REGULATIONS

That part of Claymoor Park as shown in Plat Book 51, page 21 in the Office of the Recorder of Lake County, Indiana, and a part of the Southeast Quarter of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 24; thence South 00 degrees 00 minutes 00 seconds East along the West line of said Southeast Quarter a distance of 1,142.53 feet to the point of beginning; thence South 90 degrees 00 minutes 00 seconds East, a distance of 477.86 feet; thence South 00 degrees 00 minutes 14 seconds East, a distance of 176.48 feet more or less to the South line of said Claymoor Park; thence South 71 degrees 18 minutes 36 seconds West, a distance of 187.69 feet; thence South 90 degrees 00 minutes 00 seconds West continuing along the said South line, a distance of 300.08 feet more or less to the West line of the Southeast Quarter of said Section 24; thence North 00 degrees 00 minutes 00 seconds East along the said West line, a distance of 236.63 feet more or less to the Point of Beginning.

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 of the Hobart Municipal Code (“HMC”) 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 enacted 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, production, 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 having outside/outdoor sales, as well as outside 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 fifty feet (50') 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 comply with all lot requirements in §154.307.

- (4) Screening. Outdoor storage of the types described herein 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.
 - (5) 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.
- (C) 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.
- (D) 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 are permitted uses in this PUD district:

- (A) Retail and service uses as follows:
 - (1) Auto service stations;
 - (2) Building materials, sales;
 - (3) Car washes and auto supplies;
 - (4) Cartage and express facilities;
 - (5) Contractor and construction shops;
 - (6) Dry cleaning establishments and pressing plants;
 - (7) Fuel sales, with storage of fuel oils, kerosene, gasoline and other flammable products limited to 120,000 gallons per tank, with the total

storage not to exceed 500,000 gallons;

- (8) Garages, model display and sales;
- (9) Ice sales;
- (10) Linen, towel, diaper and other similar services;
- (11) Mobile home sales and house trailer sales;
- (12) Motor vehicle sales, including storage, servicing and repairs;
- (13) Office and household equipment and machinery, sales and service;
- (14) Parking garages and parking lots, other than accessory; and
- (15) Planned unit developments, industrial.

(B) Production, processing, distribution, storage, assembly, coating, cleaning, testing 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 dyeing;
- (28) Glass products, from previously manufactured glass;
- (29) Hair, felt and feather products, (except washing, curing and dyeing);
- (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) Meat products;
- (42) Metal finishing, plating, grinding, sharpening, grinding, polishing, cleaning, rust proofing and heat treatment;
- (43) Metal stamping and extrusion of small products such as bottle caps, buttons, costume jewelry, kitchen utensils, pins and needles and razor blades;
- (44) Motor vehicle repair;
- (45) Musical instruments;
- (46) Orthopedic and medical appliances, such as artificial limbs braces, supports and stretchers;
- (47) Paper products, small items such as envelopes and stationery, bags, boxes, tubes and wallpaper;
- (48) Perfumes and perfumed soaps, compounding only;
- (49) Pharmaceutical products, compounding only;
- (50) Poultry and meat processing and retail sale;
- (51) Precision instruments such as optical, medical, testing and measuring;
- (52) Products from finished materials, including, bone, cork, feathers, felt, fiber, fur, glass, hair, horn, leather, paper, plastic, rubber, semi-precious stones, shell or yarn;
- (53) Rubber products and synthetic treated fabrics, small items such as washers, gloves, footwear, bathing caps and atomizers;
- (54) Printing and newspaper publishing, including engraving and photoengraving;
- (55) Repair of household and office equipment;
- (56) Silverware, plate and sterling;
- (57) Soap and detergents, packaging only;
- (58) Soldering, lasering, and welding;

- (59) Sporting and athletic equipment such as balls, baskets, bats, cues, gloves racquets and rods;
 - (60) Statuary, mannequins, figurines and religious and church art goods, excluding foundry operations;
 - (61) Textiles, including spinning, weaving, manufacturing, dying, printing, knit goods, yarn, thread and cordage, but not including textile bleaching;
 - (62) Tobacco curing and manufacturing of tobacco products;
 - (63) 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;
 - (64) Toys;
 - (65) Umbrellas;
 - (66) Upholstering (bulk), including mattress manufacturing and rebuilding and renovating furniture;
 - (67) Vehicles, children's such as bicycles, wagons and baby carriages;
 - (68) Watches;
 - (69) Wood products, such as furniture, boxes, crates, baskets, pencils and cooperage works;
 - (70) Brewery;
(Ord. 2012-38, § 3)
 - (71) Distillery; and
(Ord. 2012-38, § 4)
 - (72) 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) 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)

(B) 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)

(C) 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)

(D) 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)

(E) 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)

(F) 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)

(G) Water Pollution

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

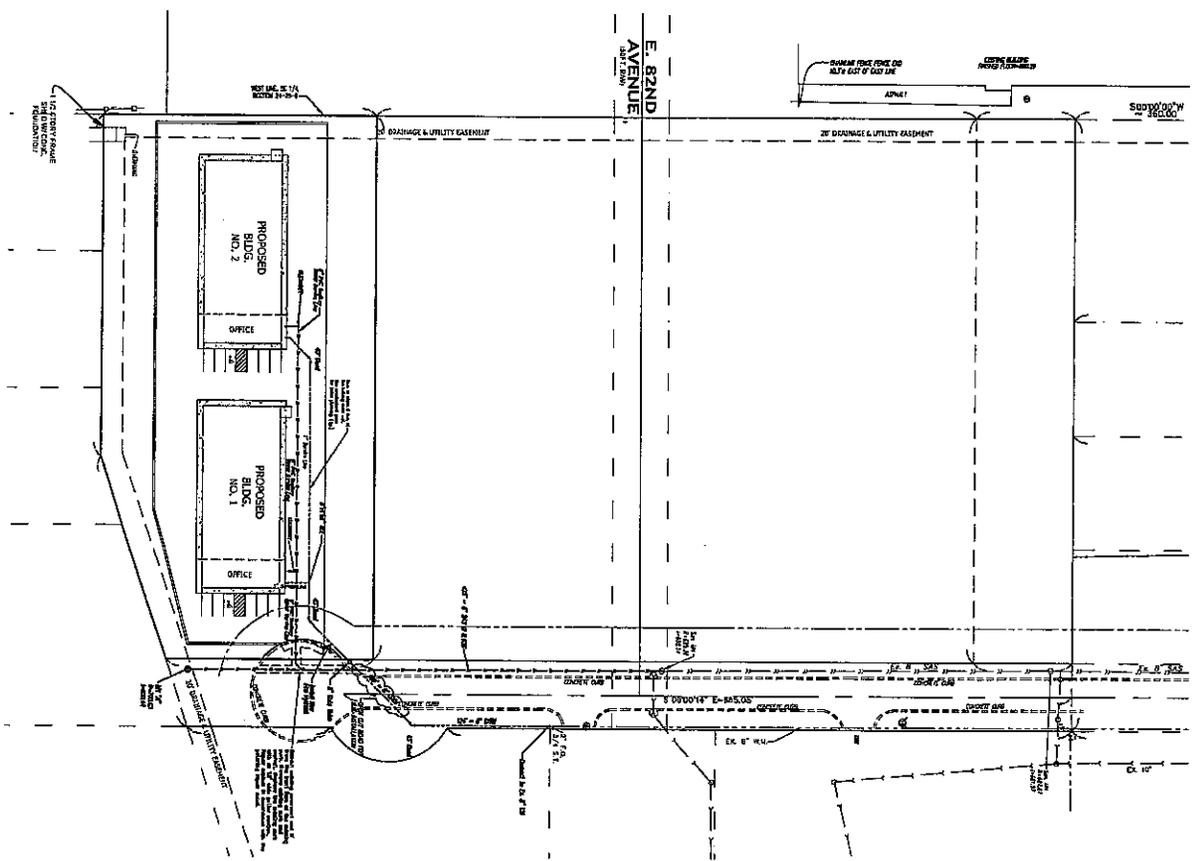
VI. LIGHT MANUFACTURING DEVELOPMENT AND DESIGN GUIDELINES

(A) The following development regulations shall be determined by the approved final plan, attached hereto and made a part hereof as Exhibit "A".

- (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

Exhibit "A"



- LEGEND**
- PROPOSED**
- BLD EDITION
 - CATCH BASIN/W/NET
 - MANHOLE
 - B-BOX
 - WATER VALVE
 - FIRE HYDRANT
 - WATER VALVE
 - FRESH GRAVE
 - FRESH GRAVE
 - STORM STERN
 - SANITARY STERN
 - WATER MAIN
 - WATER MAIN SERVICE
- EXISTING**
- BLD EDITION
 - CATCH BASIN/W/NET
 - MANHOLE
 - B-BOX
 - WATER VALVE
 - FIRE HYDRANT
 - WATER VALVE
 - FRESH GRAVE
 - STORM STERN
 - SANITARY STERN
 - WATER MAIN
 - WATER MAIN SERVICE

NOTES

1) THE CONTRACTOR IS RESPONSIBLE TO VERIFY ALL EXISTING SITE CONDITIONS AND TO REPORT ANY DISCREPANCIES BETWEEN THE EXISTING CONDITIONS AND ALL PROPOSED IMPROVEMENTS IN THE CONSTRUCTION DRAWINGS.

GRAPHIC SCALE
1" = 50'

NORTH

Professional Engineer Seal: No. 10580, State of Indiana, Mechanical Engineering, Peter Todorjivic, Exp. 12/31/2022

SHEET C-10	CLIENT Mr. Michael Kora 4191 East Lincoln Highway Meridian, Indiana 46340	DATE: 06-26-2020
	PROJECT NO: 2020-5021	REVISIONS

SOUTHLAKE INDUSTRIAL PARK
8200 DAKOTA STREET
HOBART, IN 46342
SANITARY SEWERS & WATERMAINS

TORRENGA ENGINEERING, INC.
CONSULTING ENGINEERS & LAND SURVEYORS
907 RIDGE ROAD, MUNSTER, INDIANA 46321
Tel No: (219) 898-8818 website: www.torrenge.com



**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: July 7, 2021

PETITIONER: Wkpt Limited Liability Company
4191 E. Lincoln Highway
Merrillville, IN 46410

REQUEST: Amend Covenants & Restrictions

PROPOSED USE: Proposed industrial warehousing or manufacturing

GENERAL LOCATION: Located south of the SW corner of Lincoln Hwy. & Dakota St.

LEGAL DESCRIPTION That part of Claymoor Park as shown in Plat Book 51, page 21 in the Office of the Recorder of Lake County, Indiana, and a part of the Southeast Quarter of Section 24, Township 35 North, Range 8 West of the 2nd Principal Meridian in Lake County, Indiana, described as follows: Commencing at the Northwest corner of the Southeast Quarter of said Section 24; thence South 00 degrees 00 minutes 00 seconds East along the West line of said Southeast Quarter a distance of 1,142.53 feet to the point of beginning; thence South 90 degrees 00 minutes 00 seconds East, a distance of 477.86 feet; thence South 00 degrees 00 minutes 14 seconds East, a distance of 186.48 feet more or less to the South line of said Claymoor Park; thence South 71 degrees 18 minutes 36 seconds West, a distance of 187.69 feet; thence South 90 degrees 00 minutes 00 seconds West continuing along the said South line, a distance of 300.08 feet more or less to the West line of the Southeast Quarter of said Section 24; thence North 00 degrees 00 minutes 00 seconds West along the said West line, a distance of 246.63 feet more or less to the Point of Beginning.

PLAN COMMISSION PETITION NO.: 21-28

DATE OF PLAN COMMISSION ACTION: July 1, 2021

DEADLINE FOR CITY COUNCIL ACTION: September 29, 2021

CERTIFICATION:

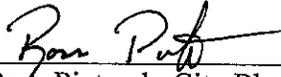
ACTION TAKEN BY PLAN COMMISSION:

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

CONDITIONS: None

VOTE: 6-0

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

PUD AMENDMENT
KORS

PC 21-28

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 amend the PUD zoning under RES957, which was approved prior to the property being within the city limits of the City of Hobart, with the Amendment proposing to establish permitted uses and new development in a location surrounded to the north and east by the existing PUD.

The rezone 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 PUD zoning already exists for this property, as well as property to the north and east.

X (c) the land involved is suitable for the proposed land change because:
The property is surrounded on two 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 is in large part flat and proper drainage will be included on the property.

X (e) the property value of adjacent property would not be decreased because:
The property's improvements should increase the value and use of the area, and the Petitioner owns the parcels to the north and an affiliate owns the parcels to the east.

Michael Kors
Signature of Petitioner/Agent WKPT Limited Liability Company by Michael Kors, Date 04/2/2021
as Authorized Signatory

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 July, 2021 by a majority vote of the Hobart Advisory Plan Commission.
Maria Laha
Plan Commission President

Attest:
Joseph L. S.
Plan Commission Secretary/Zoning Official

MEMORANDUM

DATE: JULY 7, 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 21-28

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 21-28 Petition request for a proposed Amendment to the PUD located south of the SW corner of Lincoln Highway & Dakota Street, zoned PUD, 2.41 acres

DRAFT PUBLIC HEARING MINUTES FOR THE JULY 1, 2021 MEETING OF THE PLAN COMMISSION: Mr. Allen recused himself. Petitions 21-28, 21-28A & 21-28B were heard together. Mr. Pietrzak mentioned the site plan will need to be approved prior to the PUD amendment. Representing the petitioner was Attorney Mark Anderson, Anderson & Anderson PC. Attorney Anderson mentioned the current zoning is PUD, Lake County Res. 957, and essentially M-1 permitted uses. The proposed site plan includes two architecture metal spec buildings approximately 11,200 sq. ft. each, a berm on the southern portion of the property, a drainage & detention pond, landscaping, lighting and parking. Included in the subdivision request are the 2 spec buildings, berm and detention pond. He requested on behalf of the petitioner to dedicate the platted 82nd Avenue extension north of the proposed subdivision, but given the limited nature and scope of the 2 spec buildings, not be required to pay for the improvements or at least to wait for the additional development of the property. It was discussed there needs to be an access agreement/easement applied to the private road. Mr. Gralik felt the sanitary sewer should be extended to the southern property line into the drainage & utility easement with a manhole and lines stubbed. He also inquired as to the reason for the diagonal storm sewer and Mr. Allen stated that is currently temporary and will be removed when the property is developed further. Ms. Galka opened and closed the public hearings for Petitions 21-28, 21-28A & 21-28B without public comments. Mr. Pietrzak had concerns regarding the proposal of the berm and buffering requirements in the drainage & utility easement along the southern property line. Mr. Allen explained the slope will be toward the proposed development. 200' of 6" perforated drain tile will be installed to divert drainage from around the buildings and a swale on the eastern side will direct the water to the pond. The grade on the proposed development will drop to approximately 10'. The southern parcels looking north will only see a 3 to 4 foot high berm with a 6 foot fence. Mr. Pietrzak also noted the fire department's comment was that due to the layout of the buildings and parking, they may not be able to get to the rear of the buildings if there was a need. He noted there are nine (9) standards that will be approved by the site plan. Mr. Gralik asked, as much as possible, to keep the trees out of the drainage easement. Mr. Spain motioned to Grant Site Plan for Petition 21-28A contingent on the sanitary sewer extension and adding stubs including all discussion, seconded by Mr. Lain. All ayes, motion carried. (6-0) Mr. Lain motioned for a Favorable Recommendation to the Common

Council for Petition 21-28 to include the previous approved site plan including all discussion and Findings of Fact, seconded by Mr. Gralik. All ayes, motion carried. (6-0) Mr. Spain motioned to Grant Preliminary Plat for Petition 21-28B contingent on providing the access easement for the private roadway including all discussion, seconded by Mr. Gralik. Mr. Spain amended his motion to Grant Preliminary Plat for Petition 21-28B contingent on providing the access easement for the private roadway and to include working out the details for 82nd Avenue for the dedicated right of way and the construction of the roadway including all discussion, seconded by Mr. Chhutani. All ayes, motion carried. (6-0)

