

ORDINANCE NO. 2021- 42

**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. 21-38** 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:

PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND P.M., IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY NO. 30, SAID POINT BEING 1103.42 FEET EAST OF THE WEST LINE OF SAID SECTION 24 AS MEASURED ALONG SAID SOUTH LINE; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST 182.67 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 469.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS WEST 182.67 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST 469.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.97 ACRES, MORE OR LESS.

PART OF THE SOUTHWEST 1/4 OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND PRINCIPAL MERIDIAN AND MORE PARTICULARLY DESCRIBED AS: COMMENCING AT A POINT IN THE SOUTH LINE OF U. S. HIGHWAY 30 AND 1285.09 FEET EAST OF THE WEST LINE OF SAID SECTION 24 ALONG SAID SOUTH LINE; THENCE SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST, A DISTANCE OF 375.0 FEET TO A POINT, THENCE SOUTH 0 DEGREES 01 MINUTES 19 SECONDS EAST ALONG A LINE A DISTANCE OF 465.0 FEET TO A POINT; THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS WEST ALONG A LINE, A DISTANCE OF 375.0 FEET TO A POINT; THENCE NORTH 0 DEGREES 01 MINUTES 19 SECONDS WEST ALONG A LINE AS DISTANCE OF 465.0 FEET TO THE POINT OF THE BEGINNING, ALL IN ROSS TOWNSHIP, IN THE CITY OF HOBART, LAKE COUNTY, INDIANA. CONTAINING 4.0 ACRES, MORE OR LESS.

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:

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:

A 40' right of way dedication for the northern frontage road,  
A western ingress/egress easement including the maintenance agreement description &  
A southern 20' drainage & utility easement to overlay the existing Merrillville  
Conservancy District easement

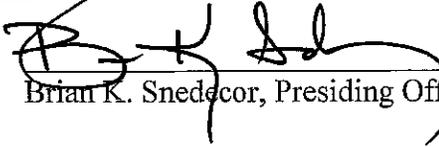
All buildings or uses permitted and placed upon said described real estate shall fully conform to all the provisions of the Zoning Ordinance of the City of Hobart, Indiana and shall have obtained the proper permits.

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.

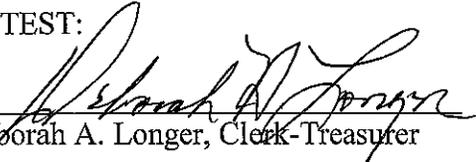
SECTION 5. Since an emergency exists for the immediate taking effect of this Ordinance, the same shall be in fully force and effect from and after its passage by the Common Council of the City of Hobart; upon the approval of the Mayor of the City of Hobart Indiana; and as soon thereafter as otherwise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

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

15<sup>th</sup> day of December, 2021.

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

ATTEST:

  
Deborah A. Longer, Clerk-Treasurer

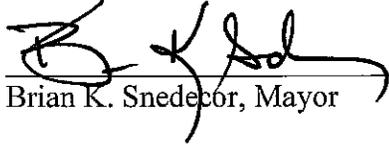
Presented by me to the Mayor of the City of Hobart, Indiana, for his approval and signature this

1<sup>st</sup> day of December, 2021 at 6:45 o'clock P.M.

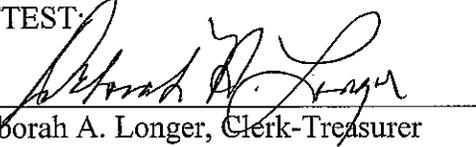
  
Deborah A. Longer, Clerk-Treasurer

APPROVED and SIGNED by me, the Mayor of the City of Hobart, this 1<sup>st</sup> day of

December, 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: November 8, 2021

PETITIONER: Stonebuild, LLC  
202 S. Gary Avenue  
Bloomington, IL 60108

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

PROPOSED USE: Proposed motor vehicle sales

GENERAL LOCATION: 3801 & 3823 E. Lincoln Highway

LEGAL DESCRIPTION: PART OF THE SOUTHWEST QUARTER OF SECTION 24, TOWNSHIP 35 NORTH, RANGE 8 WEST OF THE SECOND P.M., IN LAKE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS BEGINNING AT A POINT ON THE SOUTH LINE OF U.S. HIGHWAY NO. 30, SAID POINT BEING 1103.42 FEET EAST OF THE WEST LINE OF SAID SECTION 24 AS MEASURED ALONG SAID SOUTH LINE; THENCE CONTINUING ALONG SAID SOUTH LINE, SOUTH 89 DEGREES 45 MINUTES 45 SECONDS EAST 182.67 FEET; THENCE SOUTH 00 DEGREES 01 MINUTES 19 SECONDS EAST, 469.00 FEET; THENCE NORTH 89 DEGREES 45 MINUTES 45 SECONDS WEST 182.67 FEET; THENCE NORTH 00 DEGREES 01 MINUTES 19 SECONDS WEST 469.00 FEET TO THE POINT OF BEGINNING. CONTAINING 1.97 ACRES, MORE OR LESS.

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PLAN COMMISSION PETITION NO.: 21-38

DATE OF PLAN COMMISSION ACTION: November 4, 2021

DEADLINE FOR CITY COUNCIL ACTION: February 6, 2022

CERTIFICATION:

ACTION TAKEN BY PLAN COMMISSION:

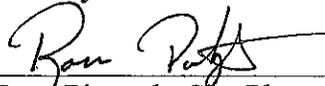
Recommendation to the Common Council to **Approve** the change of zone requested (**Favorable** recommendation)

CONDITIONS:

A 40' right of way dedication for the northern frontage road, a western ingress/egress easement including the maintenance agreement description and a southern 20' drainage & utility easement to overlay the existing Merrillville Conservancy District easement.

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

Proposed REZONE Case Lot.

PC21-38

**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.

Both properties are currently a part of a PUD and the request is to rezone the properties B-3 to be consistent with the surrounding properties.

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:  
We are meeting the intent of the corridor.

(c) the land involved is suitable for the proposed land change because:  
This is a developed site we are redeveloping

(d) the topography is suitable for the proposed land use without adverse effect upon the surrounding land because: This is a developed site.

(e) the property value of adjacent property would not be decreased because:  
these improvements will increase the value of the property.

[Signature]  
Signature of Petitioner/Agent

10/11/21  
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 4<sup>th</sup> day of November, 2021 by a majority vote of the Hobart Advisory Plan Commission.

[Signature]  
Plan Commission President

**Attest:**

[Signature]  
Plan Commission Secretary/Zoning Official

**MEMORANDUM**

**DATE:** NOVEMBER 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 21-38

Attached please find a Certification and Proposed Ordinance for your consideration regarding Plan Commission Petition 21-38, a petition request to rezone from PUD (Planned Unit Development) to B-3 (Highway Oriented Business District) for proposed motor vehicle sales, zoned PUD, 5.97 acres

DRAFT PUBLIC HEARING MINUTES OF THE PLAN COMMISSION MEETING OF NOVEMBER 4, 2021: Representing Storebuild was Russ Posen, DVG, 1155 Troutwine Rd., Crown Point., and Stan Flannery, Storebuild. Via Zoom were the developer, Ryan Murphy, and the user Stacy Haug, Carlotz. Mr. Posen stated that currently the properties are a resale store and a fitness facility and is requesting to rezone from PUD to B-3 for a motor vehicle sales facility. Proposed is to develop both properties by demolishing the fitness facility, to maintain and renovate the resale store building by installing a new façade, complete interior remodel and repaving the entire parking lot. Ms. Haug explained the nature of their business as a used vehicle consignment business. Vehicle repairs are limited to cosmetic and light maintenance. Mr. Pietrzak mentioned that Staff recommended to combine the two lots into a one-lot subdivision but based on the proposed site plan, determined it was not necessary since there will be no buildings crossing lot lines. There are concerns that need to be addressed such as right of way dedication for the frontage road, the road along the west side of the property currently servicing the prosthetics & orthopedics business to the south would require an ingress/egress easement if that were to remain and a stormwater easement along the southern property line due to flooding issues. Ms. Galka opened and closed the public hearing for Petition 21-38 without public comments. Mr. Allen motioned for a Favorable Recommendation to the Common Council for Petition 21-38 contingent on a 40' right of way dedication for the northern frontage road, a western ingress/egress easement including the maintenance agreement description and a southern 20' drainage & utility easement to overlay the existing Merrillville Conservancy District easement including all discussion and Findings of Fact, seconded by Mr. Vinzant. All ayes, motion carried. (6-0)

