



PLAN COMMISSION STAFF REPORT

To: Members of the Plan Commission

From: Tom Vander Woude, Planning Director

Meeting Date: April 12, 2022

Agenda Item: PC Docket No. 22-002

Application: **Map Amendment**

Hearing: **PUBLIC HEARING**

Summary: Town of Munster requesting a zoning map amendment, changing the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District.

Applicant: Town of Munster

Property Address: 1503 Fairway Avenue

Current Zoning: CZ-Civic Zone District

Adjacent Zoning: North: CD-3.R2
South: CD-3.R2
East: CD-3.R2
West: CZ-Civic Zone District

Action Requested: Favorable Recommendation to rezone to the Town Council

Additional Actions Required: Findings of Fact

Staff Recommendation: **Favorable recommendation**

Attachments: Town of Munster Zoning Map

BACKGROUND

Figure 1 Subject property highlighted in blue.

The Town of Munster has initiated a zoning map amendment to change the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District. The subject property is located south of Beech Park. Two parcels directly to the west contain a driveway into the park parking lot. All other adjacent property is zoned CD-3.R2.

Earlier this year, staff was approached by Cesar Tovalin, the owner of the property, requesting information about the zoning of the property. Staff made the following findings:

- The property is currently located within the CZ – Civic Zone District, a district that permits parks, civic buildings, religious buildings, and other non-residential, non-commercial uses.
- A Town of Munster zoning map adopted in 1994 indicates that the property has been zoned as park land since at least that time, perhaps longer.
- A single-family home is not a permitted use within the CZ – Civic Zone District.
- The property has been in continual use as a single-family home since the existing home was constructed in 1952.
- The existing single-family home on the property is classified as a legal non-conforming use.
- The neighboring properties to the north, east, and south are zoned *CD-3.R2 Neighborhood - 60' Lot One Family Residence District*.



Figure 2: Zoning context

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ANALYSIS

IC 36-7-4-603 states that in considering zoning map amendments, *the plan commission and the legislative body shall pay reasonable regard to:*

- (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.*

Staff has made the following findings with respect to these criteria:

- (1) the comprehensive plan;*

The comprehensive plan is silent on the subject of the zoning of this area but does not suggest that this parcel should be converted from residential to park use.

- (2) current conditions and the character of current structures and uses in each district;*

The neighboring properties to the north, east, and south are zoned *CD-3.R2 Neighborhood - 60' Lot One Family Residence District*.

- (3) the most desirable use for which the land in each district is adapted;*

This property and neighboring properties to the north, east, and south are developed with single-family residential houses.

- (4) the conservation of property values throughout the jurisdiction; and*

Rezoning the subject property to CD-3.R2 will eliminate the legal, non-conforming status for the property which will permit the property to be rebuilt and used as a single-family use in the event of abandonment or destruction, which is of a higher value than parkland.

- (5) responsible development and growth.*

The property has been in continual use as a single-family home since the existing home was constructed in 1952.

MOTION

The Plan Commission may wish to consider the following motion:

Motion to forward a favorable recommendation to the Munster Town Council for a zoning map amendment, changing the zoning of the property at 1503 Fairway Avenue from CZ-Civic Zone District to CD-3.R2 Neighborhood - 60' Lot One Family Residence District.

LIVABLE MUNSTER

CHARACTER-BASED CODE

Legend

- CIVIC
- CD-3_R-1
- CD-3_R-2
- CD-3_R-3
- CD-4_R-4
- CD-4A
- CD-4B
- CD-5
- SD-PUD
- SD-M

- ### Special Requirement Overlays
- No Ground Floor Residential Uses Permitted
 - No Residential Uses Permitted
 - Ridge Protection

