

ORDINANCE NO. 1286

AN ORDINANCE AMENDING ORDINANCE NO. 1054, AN ORDINANCE RECLASSIFYING CERTAIN REAL ESTATE IN THE TOWN OF MUNSTER, INDIANA FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER ZONING ORDINANCE.

WHEREAS, the Town Council of the Town of Munster, Indiana (hereinafter the "Council"), did previously adopt an Ordinance known as the Munster Municipal Code, Chapter 29 and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961 (hereinafter the "Zoning Ordinance"); and

WHEREAS, the Council did adopt and approve Ordinance No. 1054 on May 6, 1996, thereby establishing and creating what is now known as the Hartsfield Village Planned Unit Development with the use restrictions and other provisions as set forth in said Ordinance No. 1054; and

WHEREAS, Community Village, Inc., d/b/a Hartsfield Village, filed a petition with the Plan Commission of the Town of Munster, Indiana seeking to amend Ordinance No. 1054, among other things, and to remove a certain 5.881 acres therefrom; and

WHEREAS, Joe P. Williamson (hereinafter the "Petitioner") filed a petition with the Plan Commission of the Town of Munster, Indiana (hereinafter the "Plan Commission"), in order to cause the above-referenced real estate within the Town of Munster to be separately zoned a residential planned unit development for the construction of thirty-nine (39) townhome living units which real estate (hereinafter the "real estate") is more particularly described as follows:

Part of Lot 1, Hartsfield Village, a Planned Unit Development to the Town of Munster, Lake County, Indiana, as recorded in Plat Book 83, page 28 in the Office of the Recorder of Lake County, Indiana, more particularly described as follows: Beginning at the Southwest corner of said Lot 1; thence North 01° 42' 55" East along the West line of said Lot 1 also being the Easterly right of way line of CSX Transportation Co. (50 foot right of way), also known as Seaboard System, formerly known as the Louisville and Nashville Railroad, a distance of 688.57 feet; thence South 88° 17' 05" East, a distance of 25.00 feet; thence North 01° 42' 55" East, a distance of 146.05 feet; thence South 88° 07' 48" East, a distance of 131.19 feet to a point on a curve; thence Southeasterly along a curve concave to the Northeast, having a radius of 436.78 feet (the chord of which bears South 41° 58' 49" East, a chord distance of 197.57 feet), an arc distance of 199.30 feet; thence South 54° 44' 04" East, a distance of 11.97 feet to a point of curve; thence Southeasterly along a curve concave to the West, having a radius of 30.00 feet (the chord of which bears South 13° 39' 09" East, a chord distance of 39.43 feet), an arc distance of 43.02 feet to a point of reverse curve; thence Southerly along a curve concave to the East, having a radius of 313.50 feet (the chord of which bears South 04° 17' 49" West, a chord distance of 246.33 feet), an arc distance of 253.15 feet to a point of reverse curve; thence

Southeasterly along a curve concave to the West, having a radius of 1186.50 feet (the chord of which bears South 12° 19' 20" East, a chord distance of 269.20 feet), an arc distance of 269.78 feet to a point of reverse curve; thence Southeasterly along a curve concave to the Northeast, having a radius of 213.50 feet (the chord of which bears South 27° 53' 13" East, a chord distance of 160.50 feet), an arc distance of 164.54 feet to the South line of said Lot 1; thence North 88° 17' 05" West along said South line, a distance of 446.59 feet to the point of beginning, containing 5.881 acres, more or less.

in the Town of Munster, Lake County, Indiana; and

WHEREAS, following notice by publication and notice to interested parties as required by Indiana Code 36-7-4-604(b) and Indiana Code 5-3-1-2(b), a public hearing was held by the Plan Commission on December 28, 2004; and

WHEREAS, the Plan Commission, after public hearing, has approved the petitioner's Development Plan submitted under Section 29.200 of the Zoning Ordinance (hereinafter the "Development Plan"), and has recommended that the Zoning Ordinance be amended pursuant to Section 29.201 and has certified said recommendation to the Council pursuant to Indiana Code 36-7-4-605, as required by Indiana Code 36-7-4-608(b), so as to provide that the real estate be classified as a residential planned unit development, and has made the following findings as required by Section 29.201 of the Zoning Ordinance:

1. The uses proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved by changing the zoning to any other district.
2. An amendment to the requirements of the Zoning Ordinance is warranted by the design and amenities incorporated in the Development Plan.
3. The land surrounding the proposed development either can be planned in coordination with the proposed development or will be compatible in use.
4. The proposed change to the previous PUD District is in conformance with the general intent of the comprehensive master plan.
5. Existing and proposed streets are suitable and adequate to carry any anticipated traffic that may be created as a result of the adoption of the proposed development.
6. Existing and proposed utility services are adequate to service the proposed development .
7. The proposed development contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

8. The proposed development and all proposed buildings, parking spaces, and landscape and utility areas can be completely developed within five (5) years of the establishment of the District.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Zoning Ordinance is hereby amended and modified and that the real estate described above, all lying within the municipal corporate limits of the Town of Munster, Lake County, Indiana, be zoned as a residential Planned Unit Development as follows:

SECTION 1. ZONING. The real estate is hereby zoned as a residential Planned Unit Development District (hereinafter the "District") subject to the use restrictions herein provided.

SECTION 2. USE RESTRICTIONS. Use of the District shall be limited to the development of and construction of a multi-family residential project consisting of thirty-nine (39) units. The thirty-nine (39) units shall consist of six (6) four (4) unit buildings and five (5) three (3) unit buildings, all in accordance with the plans for the same submitted to and approved by the Plan Commission.

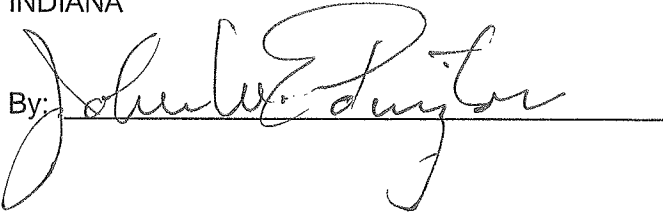
SECTION 3. STREETS, GUTTERS, CURBS AND MUNICIPAL SERVICES. The owner of the real estate shall be responsible for all maintenance (including snow removal), repair and replacement of the streets, gutters, and curbs within the District, that are not dedicated to and accepted by the Town, and the cost thereof. The Town of Munster shall provide to the District all municipal services to which its residents would otherwise be entitled, except as specifically set forth in this Section 3.

SECTION 4. INGRESS, EGRESS, UTILITIES, STORMWATER AND SANITARY SEWERS. The owner of the real estate has struck an agreement with Community Village, Inc., d/b/a Hartsfield Village, for the utilization of its property (the property originally subject to Ordinance No. 1054) for purposes of ingress, egress, utility installation, stormwater and sanitary sewer access and service to the real estate.

PASSED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this 13TH day of JUNE, 2005.

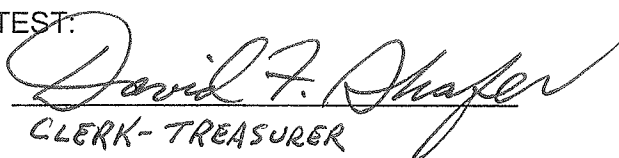
Adopted by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF MUNSTER,
INDIANA

By: 

ATTEST:

By:


CLERK-TREASURER

