



PLAN COMMISSION STAFF REPORT

To: Members of the Plan Commission

From: Tom Vander Woude, Planning Director

Meeting Date: September 14, 2021

Agenda Item: PC Docket No. 21-015

Hearing: **PRELIMINARY HEARING**

Application Type: **ZONING ORDINANCE TEXT AMENDMENTS**

Summary: Town of Munster requesting zoning text amendments

Applicant: Town of Munster

Property Address: N/A

Current Zoning: N/A

Adjacent Zoning: North: N/A
South: N/A
East: N/A
West: N/A

Action Requested: Schedule public hearing

Additional Actions Required: Recommendation to Town Council
Findings of Fact

Staff Recommendation: **Schedule public hearing**

Attachments:

BACKGROUND

On December 23, 2019, the Munster Town Council approved Ordinance 1788 and adopted the Munster Character-Based Code replacing a code that had been in place since 1985. Since the adoption of the code, the Town Council has approved four amendments to the code.

- ORDINANCE NO. 1795: AN ORDINANCE AMENDING CHAPTER 26 SECTION 6 DIVISION 4 OF THE TOWN OF MUNSTER MUNICIPAL CODE TO CLARIFY PROVISIONS RELATED TO THE LANDSCAPING REQUIREMENTS FOR COMMERCIAL DEVELOPMENTS
- ORDINANCE NO. 1800: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE PERMITTING CHANGEABLE COPY ON GAS STATION MONUMENT SIGNS
- ORDINANCE NO. 1801: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE SETTING A 6' MAXIMUM HEIGHT FOR FENCES IN SIDE YARDS IN CERTAIN RESIDENTIAL DISTRICTS
- ORDINANCE NO. 1826: AN ORDINANCE AMENDING CHAPTER 26 ARTICLE 6 OF THE TOWN OF MUNSTER MUNICIPAL CODE ADOPTING MULTIPLE TEXT AMENDMENTS TO THE MUNSTER ZONING CODE

In July 2021, members of the Plan Commission asked staff to review the residential density maximums in the CD-4.A, CD-4.B, and CD-5 mixed use districts and to provide information to the Plan Commission to help the Commission determine how to amend them.

A discussion about density standards was held at the August 2021 Plan Commission meeting, which included comments from members of the School Town of Munster school board. Staff believes the key takeaways from that discussion are as follows:

1. The Plan Commission wants to ensure that any mixed-use project with a residential component in Town will not exceed the capacity of the Town's infrastructure or strain the Town's services such as police and fire.
2. The Town does not have complete information about the capacities of its infrastructure and services.
3. The Plan Commission has concerns about the ability of the School Town to accommodate an increase number of students that could result from projects with a high level of residential density.
4. The Plan Commission supports an immediate modification to the zoning ordinance that would allow additional oversight and review of mixed-use projects and a subsequent revision based on research and outreach conducted through a comprehensive planning process that would potentially limit the intensity and locations of mixed-use development.

RECOMMENDATION

As an immediate measure, staff recommends that the Plan Commission amend the zoning ordinance to designate the residential component of mixed-use development to be a Conditional Use. A Conditional Use application is reviewed by the Board of Zoning Appeals at a public hearing and is ultimately approved

by the Town Council. In addition, the Conditional Use process permits the Town to impose reasonable conditions on an approval.

The criteria for a Conditional Use addresses the concerns raised by the Plan Commission.

Sec. 26-6.405.L.g of the Munster Municipal Code states that no conditional use shall be granted by the board of zoning appeals unless the conditional use:

- i. It is in fact a Conditional Use (“CU”) listed for the applicable Zoning District involved;
- ii. It will be harmonious with and in accordance with the general and specific intent, purposes and objectives of this Article as stated in Section 26-6.105 and the Town’s Comprehensive Plan;
- iii. It will be designed, constructed, operated, and maintained so as to be harmonious and appropriate in appearance with the existing or intended character of the general vicinity and will not change the essential character of the same area;
- iv. It will not be hazardous or disturbing to existing neighboring uses;
- v. It will be served adequately by essential public facilities and services such as highways, streets, police and fire protection, drainage structures, refuse disposal, water and sewer, and schools; or that the persons or agencies responsible for the establishment of the proposed use shall be able to provide adequately any such services;
- vi. It will not create excessive additional requirements at public expense for public facilities and services and will not be detrimental to the economic welfare of the community;
- vii. It will not involve uses, activities, processes, materials, equipment or conditions of operation that will be detrimental to any persons, property, or the general welfare by reason of excessive production of traffic, noise, smoke, fumes, glare or odors;
- viii. It will have vehicular approaches to the property, which shall be so designed as not to create an interference with traffic on surrounding public thoroughfares; and
- ix. It will not result in the destruction, loss, or damage of a natural, scenic, or historic feature of major importance.

Depending on the level of oversight desired by the Plan Commission and Town Council, staff has identified two alternative text amendments to the Munster Zoning Ordinance for the Plan Commission to consider:

Alternative 1: Designate all residential in CD-4.A, CD-4.B, CD-5 as a Conditional Use

Currently the use *Residence Portion of Live/Work, Mixed-Use, or Flex Building* is a permitted use in the CD-4.A, CD-4.B, and CD-5 districts. This is the only residential use permitted in any of these districts. By designating this as a Conditional Use, no mixed-use development could occur in the Town without the approval of the Town Council.

This could be accomplished by amending TABLE 26-6.405.A-6 DISTRICT STANDARDS: GENERAL URBAN A CHARACTER DISTRICT. PRINCIPAL USE, TABLE 26-6.405.A-7 DISTRICT STANDARDS: GENERAL URBAN B CHARACTER DISTRICT. PRINCIPAL USE, TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT. PRINCIPAL USE, and TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE.

Alternative 2: Designate the *Residence Portion on the 5th and/or 6th stories of Live/Work, Mixed-Use, or Flex Building* in the CD-5 district a Conditional Use.

This amendment permits mixed-use development in the CD-4.A, CD-4.B, and CD.5 districts on floors 2-4 retaining their character as mixed-use districts, but requires Town Council approval for the highest level of density. 5 and 6 story buildings could still be constructed by right in the CD-5 district, but only commercial uses would be permitted in the upper floors.

This could be accomplished by amending TABLE 26-6.405.A-8 DISTRICT STANDARDS: URBAN CENTER CHARACTER DISTRICT. PRINCIPAL USE, and TABLE 26-6.405.L-1 BUILDING AND LOT PRINCIPAL USE.

MOTION

The Plan Commission may wish to make the following motion:

Motion to schedule a public hearing for the text amendments described in Alternative (1 or 2).