

## ORDINANCE NO. 1311

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF MUNSTER RECLASSIFYING CERTAIN REAL ESTATE FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER ZONING ORDINANCE. (*Commonly known as 9200 Calumet Avenue*)

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 26, and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961, and amendments thereto (hereinafter the "Zoning Ordinance"); and

WHEREAS, the Town Council of the Town of Munster, Indiana, has previously adopted a zoning map dividing the Town into zoning districts and amendments thereto; and

WHEREAS, Munster Development, LLC (Petitioner) filed a petition with the Plan Commission of the Town of Munster, Indiana seeking to amend the zoning map and zoning ordinance to rezone certain property in Munster as a Planned Unit Development, commercial, pursuant to Munster Town Code S26-751 et. seq.

WHEREAS, the real estate sought to be rezoned (hereinafter "Real Estate") is described in Exhibit "A" incorporated herein; and

WHEREAS, Petitioner filed a petition with the Plan Commission of the Town of Munster, Indiana (hereinafter the "Plan Commission"), in order to cause the Real Estate within the Town of Munster to be rezoned as a commercial planned unit development for the construction of a "lifestyle" type shopping center.

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 January 24, 2006; and

WHEREAS, the Plan Commission, after public hearing, has approved the petitioner's Development Plan submitted under Section 26-752 of the Zoning Ordinance (hereinafter the "Development Plan"), and has recommended that the Zoning Ordinance be amended pursuant to Section 26-754 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 Commercial Planned Unit Development, and has made the following findings as required by Section 26-754 of the Zoning Ordinance:

1. The use 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 with five (5) years of the establishment of the District.

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

SECTION 1. ZONING. The Real Estate described in Exhibit "A", incorporated herein, is hereby zoned as a commercial Planned Unit Development District (hereinafter the "District") subject to the use restriction herein provided.

SECTION 2. USE RESTRICTIONS. Use of the District shall be limited to the Development Plan submitted by Petitioner, which is incorporated herein.

SECTION 3. AMENDMENT OF THE DEVELOPMENT PLAN. All amendments to the Development Plan shall require approval by the Plan Commission, including but not limited to final site plan approval, final engineering, traffic and landscaping approval.

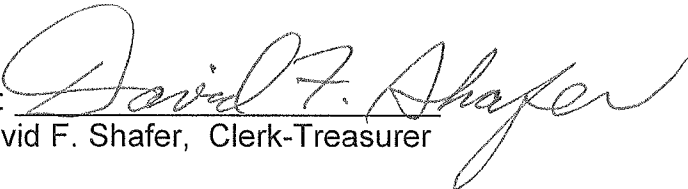
SECTION 4. INGRESS, EGRESS, UTILITIES, STORM WATER AND  
SANITARY SEWERS. Ingress, egress, roadways, parking, utilities, storm water and  
sanitary sewers shall all be subject to the final engineering approval of the Town.

PASSED AND ADOPTED by the Town Council for the Town of Munster, Lake  
County, Indiana, this 30<sup>TH</sup> day of JANUARY, 2006 by a vote of 5 in  
favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
MUNSTER, LAKE COUNTY, INDIANA

By:   
Michael Mellon, President

ATTEST:

By:   
David F. Shafer, Clerk-Treasurer

BEFORE THE PLAN COMMISSION  
OF THE TOWN OF MUNSTER, INDIANA

IN THE MATTER OF PETITION OF	)	
MUNSTER DEVELOPMENT, LLC FOR	)	
REZONING AND ESTABLISHMENT	)	2005-012
OF A COMMERCIAL PLANNED	)	
UNIT DEVELOPMENT	)	

FINDINGS AND CERTIFIED RECOMMENDATION  
OF THE PLAN COMMISSION TO TOWN COUNCIL

Munster Development, LLC (“Munster Development”) has filed a petition (“Petition”) with the Plan Commission (“Plan Commission”) of the Town of Munster, Indiana (“Town”) to rezone and establish a Commercial Planned Unit Development for approximately seventy-two (72) acres of land which is commonly known as the Lake Business Center, located at the address commonly known as 9200 South Calumet Avenue in the Town of Munster, Indiana, and which is legally described on Exhibit A which is attached hereto and made a part hereof (the “Property”). The Property is currently zoned with an M zoning classification.

In conjunction with Munster Development’s request for rezoning as a PUD District, Munster Development has submitted a Preliminary Development Plan pursuant to Munster Town Code (“Town Code”) §26-752 and a Development Plan pursuant to Town Code §26-753, which is attached hereto as Exhibit B and made a part hereof (the “Plan”). The Plan contemplates the development of the Property with a “lifestyle”-type shopping center. **Munster Development acknowledges that the Plan reflects preliminary planning for the development and anticipates the need for further Plan Commission approvals of amendments to the Plan until it is finalized. Therefore, the approvals and recommendations provided herein are expressly conditioned upon the Plan Commission’s approval and recommendation of a final Plan for the Property.**

Munster Development's Petition was assigned to the Plan Commission under number 2005-012. The Plan Commission held a preliminary hearing on the Petition on December 20, 2005, and set the Petition for a public hearing on January 24, 2006.

At the December 20, 2005 preliminary hearing and the January 24, 2006 public hearing, the Plan Commission received and reviewed testimony from Munster Development's representatives regarding the nature of the proposed development and the standards for it, and from Munster Development's and the Town's traffic consultants regarding the impact of the development contemplated by the Petition on traffic in the area. Munster Development's representatives also answered questions from the Commissioners and from the affected property owners. At the conclusion of the January 24, 2006 public hearing, the Plan Commission, having reviewed the petition, having weighed and reviewed all of the evidence, materials, development plans and arguments presented, having weighed and considered the creditability of the witnesses that had spoken throughout the process, having examined the applicable law, and having had the advice of legal counsel, finds as follows:

The rezoning proposed in the Petition complies with all applicable provisions of Indiana Code, including, without limitation, (a) Indiana Code §§36-7-4-1500, *et seq.*; and (b) specifically, Indiana Code §36-7-4-601(c) in that it takes into account the purposes of:

1. Securing adequate light, air, convenience of access and safety from fire, flood and other danger;
2. Lessening or avoiding congestion in public ways;
3. Promoting the public health, safety, comfort, morals, convenience and general welfare; and

4. Otherwise accomplishing the purposes of Indiana statutes governing local planning and zoning, including, without limitation, Indiana Code §§36-7-4, *et. seq.*

The rezoning proposal in the Petition pays reasonable regard to (1) the Town's Comprehensive Plan; (2) current conditions and the character of current structures and uses in the district; (3) the most desirable use for which the land in the district is adapted; (4) the conservation of property values throughout the jurisdiction; and (5) responsible development and growth, in compliance with Indiana Code §36-7-4-603.

In compliance with Town Code §26-754, and other applicable law, the Plan Commission further finds that:

1. Munster Development filed the Petition as contract purchaser of the Property, with the authorization the present owner of the Property.

2. All notice requirements and other pre-conditions to the making of these findings have been fully complied with.

3. The uses proposed in the Petition will not be detrimental to present and potential surrounding areas, but will have a beneficial effect which could not be achieved without the rezoning.

4. An amendment to the requirements of chapter 26 of the Town's Zoning Ordinance is warranted by the design and amenities incorporated in the Plan.

5. Land surrounding the development proposed in the Petition either can be planned in coordination with the proposed development or will be compatible in use.

6. The proposed change of the Property to a Commercial Planned Unit Development District for the purposes described in the Plan is in conformance with the intent of the Town's comprehensive master plan.

7. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the Planned Unit Development District and the vicinity of the proposed district.

8. Existing and proposed utility services are adequate for the proposed development.

9. The development proposed in the Plan contains required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.

10. The proposed Planned Unit Development District and all proposed buildings, parking spaces and landscape and utility areas can be completely developed within five years of the establishment of the district.

The Plan Commission votes to approve Munster Development's Petition and for the rezoning of the Property from an M zoning designation to a Commercial Planned Unit Development zoning designation in accordance with the Plan. The Plan Commission also recommends that the zoning ordinance be amended pursuant to Town Code §26-754 to reflect this recommendation, and hereby certifies this recommendation to the Town Council pursuant to Indiana Code §36-7-4-605, as required by Indiana Code, so as to provide that the Property be classified as a Commercial Planned Unit Development for the purposes set forth in the Plan.

PASSED AND ADOPTED BY THE TOWN OF MUNSTER PLAN COMMISSION  
THIS 24<sup>th</sup> day of January, 2006, by a vote of \_\_\_\_ in favor and \_\_\_\_ opposed.

TOWN OF MUNSTER PLAN COMMISSION

By: \_\_\_\_\_  
President

ATTEST:

By: \_\_\_\_\_  
Title: \_\_\_\_\_

## EXHIBIT A

### LEGAL DESCRIPTION OF PROPERTY

PARCEL ONE: A part of the Northeast Quarter of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, described as follows: Commencing at a point on the East line of said Northeast Quarter and 1134.18 feet South of the Northeast corner thereof; thence South along the East line of said Northeast Quarter a distance of 1090.68 feet; thence South 89 degrees 50 minutes West and parallel to the North line of said Northeast Quarter a distance of 1407.52 feet, more or less, to the Easterly right-of-way line of the Pennsylvania Railroad; thence Northwesterly along the Easterly right-of-way line of the Pennsylvania Railroad to a point 1134.18 feet South of the North line of said Northeast Quarter; thence North 89 degrees 50 minutes East a distance of 2263.91 feet, more or less, to the Point of Beginning, all in the Town of Munster, Lake County, Indiana.

PARCEL TWO: Starting at a point on the East line of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, 651.00 feet South of the Northeast corner of said Section 25; thence South on the East line of said Section 25 483.18 feet; thence West 2263.91 feet parallel to the North line of said Section 25 to the East line of the Pennsylvania Railway right-of-way; thence Northwesterly along said right-of-way 290.97 feet to the intersection with the East line of the right-of-way of the C.I. & L. (Monon) Railroad; thence Northwesterly along the East right-of-way of the Monon Rail Road to a point 651.00 feet South of the North line of said Section 25; thence East parallel to the North line of said Section 25 to the Point of Beginning, in the Town of Munster, Lake County, Indiana.

Excepting therefrom the following described parcel:

Part of the Fractional Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, in the county of Lake, State of Indiana described as follows:

Commencing at the Northeast corner of said Section 25; thence South 01 degree 54 minutes 30 seconds West along the East line of said Section 25 a distance of 190 feet to a point; thence North 88 degrees 17 minutes 20 seconds West parallel with the North line of said Section 25 a distance of 2506.32 feet to a point on the East right-of-way line of the Louisville and Nashville Railroad; thence South 07 degrees 31 minutes East along said East right-of-way line a distance of 59 feet to the point of curvature of a curve to the right, said curve having a radius distance of 3844.77 feet; thence Southwardly along said curve to the right a distance of 344.28 feet (chord = South 04 degrees 57 minutes 03 seconds East 344.19 feet) to the True Place of Beginning of this description; thence continuing along said East right-of-way line and along said curve to the right a distance of 276.75 feet (chord = South 00 degrees 19 minutes 21 seconds East 276.70 feet) to the point of tangency of said curve; thence South 01 degree 44 minutes 20 seconds West continuing along said East right-of-way line a distance of 36.57 feet to the Northerly right-of-way line of the Pennsylvania Railroad; thence South 36 degrees 18 minutes 10 seconds East a distance of 293.20 feet to a point; thence North 53 degrees 41 minutes 50 seconds East a distance of 35 feet to a point; thence North 14 degrees 41 minutes 32 seconds West a distance of 544.76



feet to a point; thence North 88 degrees 17 minutes 20 seconds West a distance of 64.16 feet to the Place of Beginning of this description.

And also excepting therefrom:

A part of the Northeast Quarter of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, in the Town of Munster, Lake County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 54 minutes 55 seconds West, along the East line of said Northeast Quarter, a distance of 651.00 feet to the point of beginning; thence continuing South 01 degrees 54 minutes 55 seconds West along said East line, a distance of 80.00 feet; thence North 88 degrees 17 minutes 28 seconds West, a distance of 315.00 feet; thence North 01 degrees 54 minutes 55 seconds East, a distance of 80.00 feet; thence South 88 degrees 17 minutes 28 seconds East, a distance of 315.00 feet to the point of beginning, excepting therefrom that part lying within Calumet Avenue Right-of-Way (100 feet wide).

ORDINANCE NO. 1559

AN ORDINANCE AMENDING THE PLANNED UNIT DEVELOPMENT PREVIOUSLY APPROVED FOR CERTAIN REAL ESTATE 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 26, and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961, and amendments thereto (hereinafter the "Zoning Ordinance"); and

WHEREAS, the Town Council of the Town of Munster, Indiana, has previously adopted a zoning map dividing the Town into zoning districts, and amendments thereto; and

WHEREAS, by ordinance No. 1311 enacted January 30, 2006, the Munster Town Council amended the Munster Zoning Ordinance and Munster Zoning map to rezone certain property, which is described in Exhibit "A" attached hereto, as a Planned Unit Development (P.U.D.).

WHEREAS, the real estate rezoned (hereinafter "Real Estate") P.U.D. is described in Exhibit "A" incorporated herein; and

WHEREAS, Munster Development, LLC, is the Owner of the Real Estate set out in Exhibit "A", and has requested certain amendments to the P.U.D. as previously approved; 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 April 12, 2011; and

WHEREAS, the Plan Commission, after public hearing, approved the Amendment to the P.U.D. submitted under the Zoning Ordinance and has adopted Findings of Fact justifying said Amendment, attached hereto as Exhibit "B", and has recommended that the P.U.D. be amended 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 classified as P.U.D. be so amended.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Planned Unit Development described in Exhibit "A", all lying within the municipal corporate limits of the Town of Munster, Lake County, Indiana, be amended as follows:

SECTION 1. ZONING. The Planned Unit Development previously approved is hereby amended, in accordance with the Findings of Fact of the Munster Plan Commission adopted May 5, 2011, and in accordance with the plans and specifications submitted, which are adopted, incorporated herein by reference, and made a part of this Ordinance.


SECTION 2. USE RESTRICTIONS. Use of the District shall be limited to the Development Plan submitted by Petitioner as herein amended, which is incorporated herein.

SECTION 3. AMENDMENT OT THE DEVELOPMENT PLAN. All further amendments to the Development Plan shall require approval by the Plan Commission, including but not limited to final site plan approval, final engineering, traffic and landscaping approval.

SECTION 4. INGRESS, EGRESS, UTILITIES, STORM WATER AND SANITARY SEWERS. Ingress, egress, roadways, parking, utilities, storm water and sanitary sewers shall all be subject to the final engineering approval of the Town.

PASSED AND ADOPTED by the Town Council for the Town of Munster, Lake County, Indiana, this 21<sup>ST</sup> day of MAY, 2012 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
MUNSTER, INDIANA

By:   
President

ATTEST:

By:   
Clerk-Treasurer

## EXHIBIT A

### LEGAL DESCRIPTION OF PROPERTY

**PARCEL ONE:** A part of the Northeast Quarter of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, described as follows: Commencing at a point on the East line of said Northeast Quarter and 1134.18 feet South of the Northeast corner thereof; thence South along the East line of said Northeast Quarter a distance of 1090.68 feet; thence South 89 degrees 50 minutes West and parallel to the North line of said Northeast Quarter a distance of 1407.52 feet, more or less, to the Easterly right-of-way line of the Pennsylvania Railroad; thence Northwesterly along the Easterly right-of-way line of the Pennsylvania Railroad to a point 1134.18 feet South of the North line of said Northeast Quarter; thence North 89 degrees 50 minutes East a distance of 2263.91 feet, more or less, to the Point of Beginning, all in the Town of Munster, Lake County, Indiana.

**PARCEL TWO:** Starting at a point on the East line of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, 651.00 feet South of the Northeast corner of said Section 25; thence South on the East line of said Section 25 483.18 feet; thence West 2263.91 feet parallel to the North line of said Section 25 to the East line of the Pennsylvania Railway right-of-way; thence Northwesterly along said right-of-way 290.97 feet to the intersection with the East line of the right-of-way of the C.I. & L. (Monon) Railroad; thence Northwesterly along the East right-of-way of the Monon Rail Road to a point 651.00 feet South of the North line of said Section 25; thence East parallel to the North line of said Section 25 to the Point of Beginning, in the Town of Munster, Lake County, Indiana.

Excepting therefrom the following described parcel:

Part of the Fractional Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, in the county of Lake, State of Indiana described as follows:

Commencing at the Northeast corner of said Section 25; thence South 01 degree 54 minutes 30 seconds West along the East line of said Section 25 a distance of 190 feet to a point; thence North 88 degrees 17 minutes 20 seconds West parallel with the North line of said Section 25 a distance of 2506.32 feet to a point on the East right-of-way line of the Louisville and Nashville Railroad; thence South 07 degrees 31 minutes East along said East right-of-way line a distance of 59 feet to the point of curvature of a curve to the right, said curve having a radius distance of 3844.77 feet; thence Southwardly along said curve to the right a distance of 344.28 feet (chord = South 04 degrees 57 minutes 03 seconds East 344.19 feet) to the True Place of Beginning of this description; thence continuing along said East right-of-way line and along said curve to the right a distance of 276.75 feet (chord = South 00 degrees 19 minutes 21 seconds East 276.70 feet) to the point of tangency of said curve; thence South 01 degree 44 minutes 20 seconds West continuing along said East right-of-way line a distance of 36.57 feet to the Northerly right-of-way line of the Pennsylvania Railroad; thence South 36 degrees 18 minutes 10 seconds East a distance of 293.20 feet to a point; thence North 53 degrees 41 minutes 50 seconds East a distance of 35 feet to a point; thence North 14 degrees 41 minutes 32 seconds West a distance of 544.76

feet to a point; thence North 88 degrees 17 minutes 20 seconds West a distance of 64.16 feet to the Place of Beginning of this description.

And also excepting therefrom:

A part of the Northeast Quarter of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian, in the Town of Munster, Lake County, Indiana, more particularly described as follows:

Commencing at the Northeast corner of said Northeast Quarter; thence South 01 degrees 54 minutes 55 seconds West, along the East line of said Northeast Quarter, a distance of 651.00 feet to the point of beginning; thence continuing South 01 degrees 54 minutes 55 seconds West along said East line, a distance of 80.00 feet; thence North 88 degrees 17 minutes 28 seconds West, a distance of 315.00 feet; thence North 01 degrees 54 minutes 55 seconds East, a distance of 80.00 feet; thence South 88 degrees 17 minutes 28 seconds East, a distance of 315.00 feet to the point of beginning, excepting therefrom that part lying within Calumet Avenue Right-of-Way (100 feet wide).

## E X H I B I T B

MUNSTER PLAN COMMISSION

Docket No. PC-11-005

Munster Development LLC  
9200 Calumet Avenue  
Munster, Indiana  
Applicant

FINDINGS OF FACT

Applicant requests an amendment to an existing planned unit development located in the 9200 block of Calumet Avenue. This matter came on for hearing before the Plan Commission April 12, 2011. Applicant presented testimony and evidence in support of the amendment to the planned unit development. Applicant presented proof of publication and notice as required by law. The public hearing was opened. There were no remonstrances. The public hearing was closed.

NOW THEREFORE based on the testimony and evidence presented and remonstrances received the Munster Plan Commission finds as follows:


1. This property was previously zoned planned unit development in accordance with the plan for the construction of a "lifestyle shopping center".
2. The proposed lifestyle shopping center project was never constructed.
3. Applicant has proposed a plan to amend the planned unit development providing for the construction of a mixed use retail office warehouse facility as described in the plans and specifications submitted.
4. Applicant's proposed amendment to the planned unit development meets the requirements of the Munster Land Development Code as set out in Munster Town Code Chapter 26, Section 26-758, Section 26-759 pertaining to commercial planned unit developments.
5. Amendment to the planned unit development in accordance with applicant's plans and specifications meets the requirements of the zoning district in which the parcel is located.
6. The proposed amendment to the planned unit development is compatible with Munster Master Plan for Land Development.
7. The proposed amendment to the planned unit development will not have an injurious effect on public health, safety, morals or general welfare and will be beneficial to the community and surrounding properties.

WHEREFORE, based upon the above findings, the Munster Plan Commission voted 6-0 to recommend amendment of the planned unit development in accordance with the plans and specifications submitted by the applicant all of which are incorporated herein and made a part hereof.

Action taken April 12, 2011.

Findings of Fact approved the 5<sup>th</sup> day of May, 2011.

DATE: 5/16/11

  
Chairman  
Munster Plan Commission

Attest:

  
Secretary  
Munster Plan Commission

ORDINANCE NO. 1602

**AN ORDINANCE AMENDING LAKE BUSINESS CENTER PLANNED UNIT DEVELOPMENT**

WHEREAS, Lake Business Center located at 9200 Calumet Avenue in the Town of Munster was previously approved and rezoned as a planned unit development, and

WHEREAS, the developer has requested an amendment to the existing planned unit development, and

WHEREAS, developer's petition to amend the planned unit development was presented for public hearing before the Munster Plan Commission after due notice on May 14, 2013, and June 11, 2013, and

WHEREAS, after the receipt of testimony and evidence the Munster Plan Commission voted to recommend approval of amendment to the planned unit development in accordance with plans and specifications submitted.

NOW THEREFORE BE IT ORDAINED AND ENACTED that the Lake Business Center planned unit development and rezoning previously approved by the Town Council of the Town of Munster is amended as follows:


1. The Planned Unit Development is amended to provide for subdivided lots 5, 6 and 7 of the Lake Business Center subdivision in accordance with the plats, plans and specifications submitted and approved as a resubdivision of lot 1 Lake Business Center subdivision by the Munster Plan Commission.
2. The development plan of the Lake Business Center Planned Unit Development is amended to provide for the construction of a building on lot 6 of the resubdivided Lake Business Center subdivision. Said building to contain the Noodles Restaurant and Meathead Restaurant all in accordance with and subject to the plans and specifications submitted in connection with the proposed amendment to the PUD which are incorporated herein and made conditions of approval of this amendment.

ORDAINED and ADOPTED by the Town Council for the Town of Munster, Lake County, Indiana, this 12<sup>TH</sup> day of AUGUST, 2013 by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF MUNSTER, INDIANA

By:   
Joseph A. Simonetto, President

ATTEST:

By:   
David F. Shafer, Clerk-Treasurer



ORDINANCE NO. 1658

**AN ORDINANCE AMENDING THE LAKE BUSINESS CENTER PLANNED UNIT DEVELOPMENT**

WHEREAS, Simborg Development, Inc. (Developer) is the owner of certain property in Munster located generally at 9200 Calumet Avenue which has previously been approved and rezoned as the Lake Business Center Planned Unit Development; and

WHEREAS, Developer has requested an amendment to the approved Planned Unit Development providing for the construction of two buildings housing restaurant facilities on the lot designated South Outlot on the plans and specifications submitted; and

WHEREAS, Developer has requested an amendment to the approved Planned Unit Development providing for a reconfiguration of the private drive and access to Calumet Avenue immediately to the South of the designated South Outlot; and

WHEREAS, Developer's requests for Amendment to the approved Planned Unit Development were presented to the Munster Plan Commission on April 14, 2015 pursuant to public notice as required by law; and

WHEREAS, after public hearing the Munster Plan Commission voted to favorably recommend the requested amendments to the approved Planned Unit Development contingent on Town approval of Pepsi traffic plan; cleanup of undeveloped lots and completion of the south and east walls of the unfinished office building on site by the end of the 2015 building season.

**NOW, THEREFORE, BE IT ORDAINED and ENACTED that:**

1. The Lake Business Center Planned Unit Development previously approved by the Munster Town Council and amended from time to time is further amended to provide for construction of two restaurant facilities on the portion of the Planned Unit Development designated South Outlot in accordance with the plans and specifications denoted Final Engineering Plans for Lake Business Center Retail; Project No. 131072; issue date 2/11/15; and LBC Master Plan CKW Architects dated 3/30/15; which are incorporated herein by reference.
2. The Lake Business Center Planned Unit Development previously approved by the Munster Town Council and amended from time to time is further amended to provide for the road configuration and access to Calumet Avenue in accordance with the plans and specifications denoted Final Engineering Plans for Lake Business Center Retail; Project No. 131072; issue date 2/11/15; and LBC Master Plan CKW Architects dated 3/30/15; which are incorporated herein by reference.
3. Approval of the Amendment to the Planned Unit Development is contingent on Town approval of Pepsi traffic plan, cleanup of undeveloped lots and completion

of the south and east walls of the unfinished office building on site by the end of the 2015 building season.

This Amendment shall take effect upon passage.

Enacted this 27<sup>TH</sup> day of APRIL, 2015.

Town Council of the Town of Munster

  
President

Attest:   
Clerk-Treasurer

ORDINANCE NO. 1897  
AN ORDINANCE AMENDING THE LAKE BUSINESS CENTER PLANNED UNIT  
DEVELOPMENT PERMITTING ADDITIONAL WAREHOUSE SPACE

**WHEREAS**, Simborg Development (Developer) is the owner of certain property located generally at 9200 Calumet Avenue within the Lake Business Center Planned Unit Development (PUD) zoning district; and

**WHEREAS**, Developer has requested an amendment to the approved Planned Unit Development which will permit 9,000 square feet of additional warehouse space, additional truck docks, new parking areas, and landscaping in the Lake Business Center PUD; and

**WHEREAS**, Developer's request for the amendment to the Lake Business Center PUD was presented to the Munster Plan Commission under PC Docket No. 22-024 on February 14, 2023 pursuant to public notice as required by law; and

**WHEREAS**, after public hearing the Munster Plan Commission voted to favorably recommend the requested amendment to the approved Lake Business Center PUD.

**NOW, THEREFORE, BE IT ORDAINED** by the Munster Town Council that:

1. The Lake Business Center Planned Unit Development previously approved by the Munster Town Council and amended from time to time is further amended to permit 9,000 square feet of additional warehouse space, additional truck docks, new parking areas, and landscaping in accordance with the *Lake Business Center Site Plan Review Proposed New Plan* prepared by OKW Architects dated 02.06.2023 and attached hereto as "Exhibit A".
2. The Developer shall be required to submit a detailed development plan for approval by the Munster Plan Commission in accordance with the Munster Zoning Ordinance and this amendment, prior to construction of any improvements.

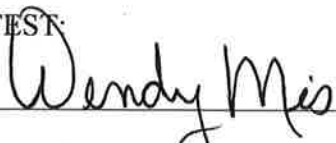
20<sup>th</sup> ORDAINED and ADOPTED by the Town Council of the Town of Munster, Indiana on the Day of March, 2023 by a vote of 5 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
MUNSTER, LAKE COUNTY, INDIANA

  
\_\_\_\_\_

Chuck Gardiner, President

ATTEST:

  
\_\_\_\_\_  
Wendy Mis, Clerk-Treasurer

ORDINANCE NO. 1905  
AN ORDINANCE AMENDING THE LAKE BUSINESS CENTER PLANNED UNIT  
DEVELOPMENT SIGN PROGRAM

**WHEREAS**, CAHST Munster LLC (Developer) is the owner of certain property located generally at 9200 Calumet Avenue within the Lake Business Center Planned Unit Development (PUD) zoning district; and

**WHEREAS**, Developer has requested an amendment to the approved Planned Unit Development which will supplement the existing signage guidelines with a comprehensive directional and wayfinding sign program throughout their portion of Lake Business Center PUD; and

**WHEREAS**, Developer's request for the amendment to the Lake Business Center PUD was presented to the Munster Plan Commission under PC Docket No. 23-005 on May 9, 2023 pursuant to public notice as required by law; and

**WHEREAS**, after public hearing the Munster Plan Commission voted to favorably recommend the requested amendment to the approved Lake Business Center PUD.

**NOW, THEREFORE, BE IT ORDAINED** by the Munster Town Council that:

The Lake Business Center Planned Unit Development previously approved by the Munster Town Council and amended from time to time is further amended to permit signage in accordance with the *CA Health and Science Trust* intention to modify "Munster Medical Campus" letters on their monument signs at Braden Way and Fran Lin from non-illuminated, brass, pin mounted lettering to internally illuminated panels and larger, white channel letters.

ORDAINED and ADOPTED by the Town Council of the Town of Munster, Indiana on the 19<sup>th</sup> Day of June, 2023 by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN OF  
MUNSTER, LAKE COUNTY, INDIANA

  
\_\_\_\_\_

Chuck Gardiner, President

ATTEST:

  
\_\_\_\_\_

Wendy Mis, Clerk-Treasurer

**ORDINANCE NO. 1951**

**AN ORDINANCE AMENDING THE LAKE BUSINESS CENTER  
PLANNED UNIT DEVELOPMENT (PUD) TO THE TOWN OF MUNSTER, INDIANA  
MODIFYING LOT 1 OF LAKE BUSINESS CENTER SUBDIVISION, RESUBDIVISION**

**WHEREAS**, LBCOI Owner, LLC; LBC Owner, LLC; and RXHST Munster, LLC are the owners of said property in Munster, Indiana located generally at 9200 Calumet Avenue within the Lake Business Center Planned Unit Development zoning district, and

**WHEREAS**, Munster Development, LLC was granted rezoning of said real estate, known as Lake Business Center, to a Planned Unit Development, ORDINANCE NO. 1311, and

**WHEREAS**, Munster Development, LLC owner amended Lake Business Center Planned Unit Development with an updated development plan, ORDINANCE NO. 1559; and

**WHEREAS**, Simborg Development, Inc. owner of Lake Business Center Planned Unit Development amended Lot 1 of Lake Business Center Subdivision into Lots 5, 6, and 7, and identified restaurant uses on lot 6, ORDINANCE NO. 1602; and

**WHEREAS**, Simborg Development, Inc. owner of Lake Business Center Planned Unit Development amended Lot 5, "South Outlot," to permit two restaurants, ORDINANCE NO. 1658; and

**WHEREAS**, Simborg Development, Inc. owner of Lake Business Center Planned Unit Development amended uses to expand warehouse space, ORDINANCE NO. 1897; and

**WHEREAS**, CAHST Munster LLC owner of Lake Business Center Planned Unit Development amended the Sign Program, ORDINANCE NO. 1905; and

**WHEREAS**, LBCOI Owner, LLC; LBC Owner, LLC; and RXHST Munster, LLC requested an Amendment to the Lake Business Center Planned Unit Development zoning to modify Lot 1 of Lake Business Center Subdivision, Resubdivision into Lot 1, Lot 3, and Outlot A

**WHEREAS**, LBCOI Owner, LLC; LBC Owner, LLC; and RXHST Munster, LLC amendment request to the Lake Business Center Planned Unit Development was presented to the Munster Plan Commission under PC24-001 on April 9, 2024 pursuant to Public Notice as required by law; and

**WHEREAS**, after a Public Hearing the Munster Plan Commission voted by a majority to favorably recommend approval for the requested Amendment to the Lake Business Center Planned Unit Development to modify Lot 1 of Lake Business Center Subdivision into Lot 1, Lot 3, and Outlot A of Second Re-Subdivision of Lot 1 of Lake Business Center Subdivision.; and

**WHEREAS**, the Munster Plan Commission voted by a majority to accept and approve the Findings of Fact for PC24-001 on May 14, 2024.

**NOW, THEREFORE, BE IT ORDAINED** by the Munster Town Council that:

1. The Lake Business Center Planned Unit Development, generally located at 9200 Calumet Avenue and legally described on Exhibit A, attached hereto, and made part of this Amendment to the Lake Business Center Planned Unit Development.
2. All Findings of Fact for PC24-001 adopted by the Munster Plan Commission on May 14, 2024 is amended in accordance with Exhibit B, attached hereto, and made part of this Amendment to the Lake Business Center Planned Unit Development.
3. An amended Final Subdivision Replat identified in PC24-003, in accordance with Exhibit C, attached hereto, and made part of this Amendment to the Lake Business Center Planned Unit Development.
4. The Lake Business Center Planned Unit Development, previously approved by the Town of Munster, Town Council and amended from time to time is:

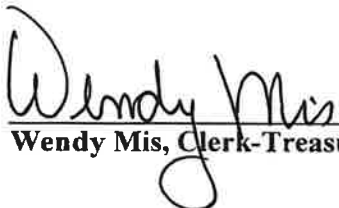
**ORDAINED and ADOPTED** by the Town Council of the Town of Munster, Indiana on the

20<sup>th</sup> Day of May, 2024 by a vote of 5 in favor and 0 opposed.

**TOWN COUNCIL OF THE TOWN OF  
MUNSTER, LAKE COUNTY, INDIANA**

  
**David B. Nellans, President**

ATTEST:

  
**Wendy Mis, Clerk-Treasurer**

**Exhibit A**  
**Legal Description**

**SECOND RE-SUBDIVISION OF LOT 1  
OF LAKE BUSINESS CENTER SUBDIVISION  
SECTION 25, TOWNSHIP 36, RANGE 10 WEST  
TOWN OF MUNSTER, LAKE COUNTY, INDIANA**

**Land Description:**

*Lot 1 of RE-SUBDIVISION OF LOT 1 FOR LAKE BUSINESS CENTER SUBDIVISION, recorded as Instrument Number 2013-063067 in Plat Book 106, Page 55 in the Office of the Recorder, Lake County, Indiana*

**Exhibit B**  
**Findings of Fact**

**MUNSTER PLAN COMMISSION**

Jason Spain, HWC  
Lake Business Center  
9200 Calumet Avenue  
Munster, IN 46321

Docket No. PC 24-001

**FINDINGS OF FACT**

Applicant has requested approval of an amendment to the Lake Business Center Planned Unit Development to modify the PUD plat and increase the total number of Lots of Record in Lake Business Center. The request is to recognize proposed Lots 1, 3, and Outlot A in accordance with the plats, plans, easements, agreements, and specifications for the proposed Second Re-Subdivision of Lot 1 of Lake Business Center located at 9200 Calumet Avenue.

This matter came to be heard before the Plan Commission on April 9, 2024. Applicant presented testimony and evidence in support of the PUD amendment. The Public Hearing was opened. The Public Hearing was closed.

NOW, THEREFORE, based upon the testimony and evidence presented, the Munster Plan Commission finds as follows:

1. The Commission has considered land use, traffic impact, utility impact, urban design principles, and the public safety/services when reviewing the Applicant's Plan.
2. The Commission finds that the project is compatible with the Comprehensive Plan.
3. The Commission finds that the project is compatible with surrounding land uses.
4. The Commission finds that the development satisfies the development requirements contained within the Zoning Ordinance.
5. The Plan Commission now makes a favorable recommendation to the Munster Town Council and approves Docket No. PC 24-001 for an amendment to the Lake Business Center Planned Unit Development to modify Lake Business Center Subdivision, Resubdivision, of Lot 1 located at 9200 Calumet Avenue.

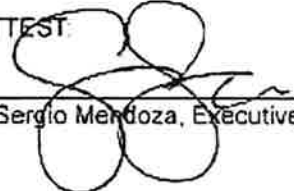
WHEREFORE, based upon the above Findings of Fact, the Munster Plan Commission by a vote of seven (7) in favor and zero (0) opposed voted to grant and forward a favorable recommendation of the amendment to the Lake Business Center Planned Unit Development as stated above to the Munster Town Council.

Action taken on April 9, 2024. Findings of Fact approved May 14, 2024.

TOWN OF MUNSTER PLAN COMMISSION

  
\_\_\_\_\_  
William Baker, President

ATTEST

  
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Sergio Mendoza, Executive Secretary



# Exhibit C

## Final Subdivision Replat

