

ORDINANCE NO. 1112

ADOPTED BY THE
TOWN COUNCIL
DATE 9-28-98

AN ORDINANCE AMENDING ORDINANCE 1054, RECLASSIFYING CERTAIN REAL ESTATE IN THE TOWN OF MUNSTER, INDIANA, FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER, ZONING ORDINANCE, ALLOWING SIGNAGE FOR HARTSFIELD VILLAGE AND THE CARE CENTER AT HARTSFIELD VILLAGE

WHEREAS, the Town Council of the Town of Munster, Indiana adopted Ordinance 1054 reclassifying a certain area in Town as a Multi-Family Residential Planned Unit Development, for what is now commonly known as the Hartsfield Village and the Care Center at Hartsfield Village, and

WHEREAS, following notice by publication and notice to interested parties as required by Indiana Code 5-3-1-2(b), a public hearing was held by the Plan Commission on September 22, 1998; and


WHEREAS, the Plan Commission, after public hearing, has recommended approval of an amendment to Ordinance 1054 classifying an area as a Multi-Family Residential Planned Unit Development, to allow signage for The Hartsfield Village and The Care Center at Hartsfield Village.

NOW THEREFORE, BE IT ORDAINED by the Town Council that Ordinance 1054 is amended and modified to allow the signage recommended for approval by the Plan Commission for (PC96-02) Hartsfield Village and the Care Center at The Hartsfield Village, on September 22, 1998.

PASSED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this 28th day of September, 1998.

Adopted by a vote of 7 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN
OF MUNSTER, INDIANA


ROBERT MANGUS, President

ATTEST:


PHYLLIS HAYDEN, Clerk-Treasurer

ORDINANCE NO. 1054

ADOPTED BY THE
TOWN COUNCIL
DATE 5-6-96

AN ORDINANCE RECLASSIFYING CERTAIN REAL ESTATE IN THE
TOWN OF MUNSTER, INDIANA, FOR ZONING PURPOSES AND
AMENDING THE TOWN OF MUNSTER, ZONING ORDINANCE.
(COMMUNITY RETIREMENT VILLAGE)

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 Community Foundation, Inc. (hereinafter the "Petitioner") filed a petition with the Plan Commission of the Town of Munster, Indiana, (hereinafter the "Plan Commission"), in order to cause certain real estate within the Town of Munster to be rezoned to a Residential Planned Unit Development for the construction of a retirement village consisting of independent and assisted living units and sub-acute health care facilities, which real estate (hereinafter the "Real Estate") is described as follows:

Part of the South 3258.46 feet of that part of Section 36, Township 36 North, Range 10 West of the Second Principal Meridian, lying North of the South 80 acres of said Section 36, West of the Westerly line of Columbia Avenue (66 foot right of way), and East of the East line of the CSX Transportation Co. (50 foot right of way) formerly known as the Louisville and Nashville Railroad, which part of the aforesaid tract is more particularly described as follows: Commencing at the intersection of the North line of the aforesaid tract and the Westerly line of Columbia Avenue, which point is also the Southeast corner of Lot 7 in Midwest Central Business Park, Unit 2, as shown in Plat Book 60, page 03 in the Office of the Recorder of Lake County, Indiana; thence South 19 degrees 10 minutes 40 seconds West along the Westerly line of Columbia Avenue, a distance of 451.07 feet to the point of beginning; thence continuing along said line a distance of 1184.27 feet; thence North 70 degrees 49 minutes 20 seconds West at right angles to said Westerly line of Columbia Avenue, a distance of 42.00 feet; thence South 19 degrees 10 minutes 40 seconds West at right angles to the last described line, a distance of 60.00 feet; thence North 70 degrees 49 minutes 20 seconds West at right angles to the last described line, a distance of 35.00 feet; thence South 19 degrees 10 minutes 40 seconds West at right angles to the last described line, a distance of 70.00 feet; thence North 70 degrees 49 minutes 20 seconds West at right angles to the last described line, a distance of 79.00

feet; thence North 63 degrees 38 minutes 33 seconds West, a distance of 780.00 feet; thence North 29 degrees 13 minutes 48 seconds West, a distance of 800.00 feet; thence North 01 degrees 42 minutes 55 seconds East, parallel to the aforementioned Railroad, a distance of 195.00 feet; thence North 21 degrees 07 minutes 11 seconds East, a distance of 129.26 feet; thence North 31 degrees 10 minutes 42 seconds East, a distance of 212.57 feet; thence North 01 degrees 42 minutes 55 seconds East, a distance of 113.36 feet; thence South 88 degrees 24 minutes 11 seconds East along the South line of Midwest Central Business Park, Unite 1, as shown in Plat Book 52, page 31 in the Office of the Recorder of Lake County, Indiana, a distance of 463.50 feet; thence South 01 degrees 35 minutes 49 seconds West, a distance of 346.92 feet to a point of curve; thence Westerly, Southerly and Easterly, along a curve concave to the East and having a radius of 62.50 feet, an arc distance of 298.00 feet (the chord of which bears South 13 degrees 07 minutes 31 seconds East, a chord distance of 85.90 feet); thence South 88 degrees 24 minutes 11 seconds East, a distance of 1017.80 feet to the point of beginning, containing 36.483 acres, more or less, all in the Town of Munster, Lake County, Indiana.

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 February 27, 1996; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's development plan submitted under Section 29-200 of the Zoning Ordinance (hereafter 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 under any other district.
2. An amendment to the requirements of this Chapter 29 of the Zoning Ordinance is warranted by the design and amenities incorporated in the Development Plan.
3. 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 a planned unit development district is in conformance with the general intent of the comprehensive master plan.
5. Existing and proposed streets are suitable and adequate to carry anticipated traffic within the proposed district and in the vicinity of the proposed district.
6. Existing and proposed utility services are adequate for the proposed development.
7. The development, as it is proposed to be completed, contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
8. The proposed planned unit development district and all proposed buildings, parking spaces, 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 Council that the Zoning 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 rezoned as a Residential Planned Unit Development as follows:

SECTION 1. REZONING. 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 and construction of a residential retirement and health care community consisting of ninety-five (95) independent living units, forty-two (42) assisted living units, and a one hundred six (106) bed sub-acute health care facility in accordance with the plans for same submitted to and approved by the Plan Commission. The community may be expanded to a total of not more than one hundred seventy (170) independent living units, sixty-five (65) assisted living units, and a one hundred fifty (150) bed sub-acute health care facility.

SECTION 3. STREETS, GUTTERS AND 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.

PASSED AND ADOPTED by the Town Council of the Town of Munster,
Lake County, Indiana, this 6th day of May, 1996.

Adopted by a vote of 4 in favor and 0 opposed.

TOWN COUNCIL OF THE TOWN
OF MUNSTER, INDIANA

Hugh D. Brauer
HUGH D. BRAUER, President

ATTEST:

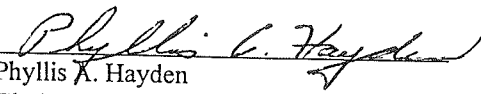
Phyllis G. Hayden
PHYLLIS HAYDEN, Clerk-Treasurer

STATE OF INDIANA)
)
COUNTY OF LAKE)

CERTIFICATE

I, PHYLLIS A. HAYDEN, do hereby certify that I am the duly elected, qualified and acting Clerk-Treasurer of the Incorporated Town of Munster, Lake County, Indiana, and keeper of the records and seal of said Town.

That the above and foregoing is a full, true, and correct copy of 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 (COMMUNITY RETIREMENT VILLAGE), passed and adopted by the Munster Town Council of said Incorporated Town, Lake County, Indiana, on April 15, 1996


Phyllis A. Hayden
Clerk-Treasurer
July 9, 1996

(SEAL)