

ORDINANCE NO 1178

AN ORDINANCE RECLASSIFYING CERTAIN REAL ESTATE IN THE TOWN OF MUNSTER, INDIANA, AS PLANNED UNIT DEVELOPMENT FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER ZONING ORDINANCE. (McSHANE'S SHOPPING CENTER, 45TH STREET PROPERTIES)

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 (hereinafter the "Zoning Ordinance"); and

WHEREAS, 45th Street Properties, L.L.C. (Petitioner), filed a petition with the Plan Commission of the Town of Munster, Indiana (hereinafter the "Plan Commission"), to re-subdivide certain real estate within the Town of Munster, Indiana and cause it to be re-zoned to a Commercial Planned Unit Development, which real estate (hereinafter the "Real Estate") is described as follows:

Commercial PUD

Description: Lot 1 in Burger's 45th Avenue Addition to the Town of Munster, as per plat thereof, recorded in Plat Book 39, page 45, in the Office of the Recorder of Lake County, Indiana.

WHEREAS, said petition was considered initially at the Munster Plan Commission Meeting of November 27, 2001, and

WHEREAS, following notice by publication and notice to interested parties as required by Indiana Code Section 36-7-4-604(b) and Indiana Code Section 5-3-1-2(b), and the Rules and Procedures of the Munster Plan Commission, a public hearing was held by the Plan Commission on December 18, 2001; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was submitted under Section 26-752 and 26-753 of the Zoning Ordinance (hereafter the "Development Plan"), and has recommended that the Zoning Ordinance and Zoning Maps be amended pursuant to Section 26-754, and has certified said recommendation to the Council pursuant to Indiana Code Section 36-7-4-605, as required by Indiana Code Section 36-7-4-608(b), so as to provide that the Real Estate be classified as a Commercial Planned Unit Development, and has made the following findings as required by Section 26-754 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 26 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 sufficient 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 Zoning Map of the Town of Munster, Indiana is amended and modified to provide that the Real Estate, all lying within the municipal corporate limits of the Town of Munster, Lake County, Indiana, be re-zoned as a Commercial Planned Unit Development as follows:

SECTION 1. REZONING. The Real Estate is hereby zoned as a Commercial Planned Unit Development as designated, subject to the use restrictions and developmental requirements herein provided, and the Zoning Map of the Town of Munster, Indiana is amended accordingly.

SECTION 2. USE RESTRICTIONS. Use of the Real Estate shall be limited in the Commercial Planned Unit Development to those uses permitted in a Commercial Zoning District as set out in Chapter 26 of the Munster Town Code.

SECTION 3. DEVELOPMENT REQUIREMENTS. The Real Estate consists of approximately 11.00 acres, as described in the Plat of Subdivision, submitted by the Applicant and approved by the Plan Commission on December 18, 2001. The Letter of Intent, plat of subdivision, plans and specifications, and all other documents which were submitted to the Plan Commission and are incorporated herein by reference and shall

constitute the Development Plan of the Planned Unit Development required by Munster Town Code Chapter 26.

1) Final engineering approval for the Planned Unit Development is required prior to construction.

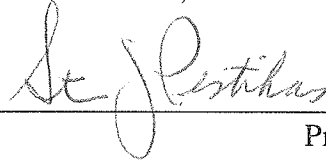
2) The Applicant shall be required to construct and maintain all ingress and egress gutters, curbs and utilities in accordance with the Development Plan and all applicable ordinances of the Town of Munster, Indiana.

3) In all other respects the property shall be subject to and shall comply with all other provisions of the Munster Town Code, Chapter 26.

PASSED AND ADOPTED by the Town Council of the Town of Munster, Lake County, Indiana, this 14TH day of JANUARY, 2002, by a vote of 4 in favor and 0 opposed.

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

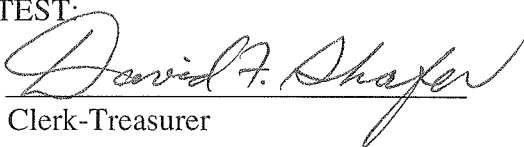
By: _____



President

ATTEST:

By: _____



Clerk-Treasurer