

ORDINANCE NO. 1251

**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**

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**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 (hereinafter the "Zoning Ordinance"); and

**WHEREAS**, Genesis Development LLC (hereinafter "Genesis"), filed a petition (the "Petition") with the Plan Commission of the Town of Munster, Indiana (hereinafter the "Plan Commission"), to subdivide certain real estate within the Town of Munster and to cause it to be rezoned to a Planned Unit Development, which real estate is legally described on Exhibit A attached hereto and made a part hereof (hereinafter the "Real Estate").

**WHEREAS**, said Petition was assigned Plan Commission Number PC C3-009 and PC-03-013 and considered initially at the regular meeting of February 24, 2004 and April 27, 2004; 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), a public hearing was held by the Plan Commission on February 24, 2004 and April 27, 2004;

**WHEREAS**, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was submitted under Section 26-700 of the Zoning Ordinance (hereafter 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 608(b), so as to provide that the Real Estate be classified as a Planned Unit Development and has made the following findings, including those 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) Landing 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 building, parking spaces, landscape and utility areas can be completely developed within five (5) years of the establishment of the district.

9) Genesis submitted the Petition on behalf of and as the authorized agent of the present owner of the Real Estate.

**NOW, THEREFORE, BE IT ORDAINED**, by the Council that the findings of the Plan Commissions are hereby adopted and 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 Planned Unit Development as follows:

**SECTION 1. REZONING.** The Real Estate is hereby zoned as a office Planned Unit Development as designated, subject to the use restrictions and development requirements herein provided.

**SECTION 2. USE RESTRICTIONS.** Use of the Real Estate shall be limited to those permitted uses allowed under 01-PUD Office Planned Unit Development.

**SECTION 3. DEVELOPMENT REQUIREMENTS.** The Real Estate consists of approximately 2.2 acres, as described in the Plat of Subdivision, submitted by Genesis and approved by the Plan Commission on April 27, 2000. The plat of subdivision; plan and specifications submitted to the Plan Commission which are incorporated herein shall constitute the Development Plan required by Munster Town Code Chapter 26:

1. Use of the Real Estate shall be limited to the use allowable under 01-PUD and limited by the final landscaping plan final engineering approval, and all conditions of subdivision approval.
2. The Real Estate consists of approximately 2.2 acres.
3. The project shall be limited to a single professional office building as described in the Statement of Intent as amended, the Plat of subdivision, and the plans and specifications submitted to the Plan Commission which are incorporated herein and shall constitute the Development Plan required by Munster Town Code, Chapter 26.
4. Final engineering approval for the office building is required prior to construction.
5. Genesis shall be required to construct and maintain the roadway for ingress and egress, gutters, curbs and utilities in accordance with the Development Plan and all applicable ordinances of the Town of Munster.
6. In other respects, the Property shall be subject to and shall comply with all other provisions in the Town Code, Chapter 26.

**PASSED AND ADOPTED** by the Town Council of the Town of Munster, Lake County, Indiana, this 14<sup>TH</sup> day of JUNE, 2004, by a vote of 8 in favor and 0 opposed. 5

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

By: 

David B. Nellans

**ATTEST:**

By: 

David F. Shafer, Clerk-Treasurer

8840 Calumet Avenue and 8817 Jefferson Avenue, Munster, Indiana, in the Peter Schoon Subdivision and Monaldi's Parkview 3rd Addition to the Town of Munster, consisting of approximately 2.19 acres, located and legally described as follows:

231 feet by parallel lines off the entire South side of lots "F" and "G" in Peter Schoon Subdivision in the Town of Munster, as per plat thereof, recorded in Plat Book 5, Page 30, in the Office of the Recorder of Lake County, Indiana, except therefrom that part of said Lot "F" taken for the dedication of Jefferson Avenue as shown on the recorded plat of Monaldi's Parkview 3rd Addition to the Town of Munster, as same appears in Plat Book 46, Page 23, in the Recorder's Office, Lake County, Indiana, said exception being also described as commencing at the Southeast corner of Section 24, Township 36 North, Range 10 West of the second principal meridian; thence North 0 degrees East 10 feet; thence South 89 degrees 48 minutes 40 seconds West a distance of 378.05 feet; thence North 0 degrees East 126.386 feet to a point, said point being the point-of-beginning of this exception and the point-of-beginning of a non-tangent curve concave Northwesterly; thence Northeasterly along said curve having a radius of 50 feet, a central angle of 59 degrees 14 minutes 30 seconds and a chord length of 49.426 feet, a distance of 51.698 feet to a point of tangency; thence continuing North 0 degrees East along a line distanced of 52.202 feet; thence South 89 degrees 12 minutes 25 seconds West 24.45 feet; thence South 0 degrees West along a line to the point-of-beginning of said exception,

Also: The South 231 feet by parallel lines of the following Lot "H" and the West 13 feet 8-1/2 inches of Lot "I", plat of survey and subdivision of the land of Peter Schoon, in the Town of Munster, as shown in Plat Book 5, Page 30, in Lake County, Indiana.

Also: The North 67.5 feet of the South 298.5 feet of Lot "H" and the West 13 feet 8-1/2 inches of Lot "I", Plat of survey and subdivision of the land of Peter Schoon, in the Town of Munster, as shown in Plat Book 5, Page 30, in Lake County, n/k/a Lot 1 in St. Lukes Addition to Munster as shown in Plat Book 40, Page 20, in Lake County, Indiana.

Also: Lot 8, Monaldi's Parkview 3rd Addition to the Town of Munster, a resubdivision of Lots "D, E, F & G" of Peter Schoon's Subdivision, in Lake County, Indiana.

