

ORDINANCE NO 1202

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 (CAMBRIDGE COURT AND CAMBRIDGE CENTER PLANNED UNIT DEVELOPMENT)

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, ATG Development Company, LLC (hereinafter "ATG"), 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 Commercial Planned Unit Development and Residential Planned Unit Development, which real estate is legally described on Exhibit A attached hereto and made a part hereof (hereinafter the "Real Estate") and Lake Business Center, LLC joined in the Petition filed by ATG.

WHEREAS, said Petition was assigned Plan Commission Number PC 2002-015 and considered initially at the regular meeting of August 27, 2002; 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 September 24, 2002; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was submitted under Section 26-700 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 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 Residential 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) 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 building, parking spaces, landscape and utility areas can be completely developed within five (5) years of the establishment of the district.

9) ATG submitted the Petition on behalf of and as the authorized agent of the owner of the Real Estate. Lake Business Center, LLC, as the owner of the Real Estate, joined in the Petition.

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 Commercial Planned Unit Development and Residential Planned Unit Development as follows:

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

SECTION 2. USE RESTRICTIONS. Use of the Real Estate shall be limited in the Commercial Planned Unit Development to those permitted uses set forth on Exhibit B attached hereto and made a part hereof (hereinafter the "Commercial Permitted Uses"). Use of the Real Estate in the Residential Planned Unit Development shall be limited to those uses permitted in a Residential Zoning District as set out in Chapter 26 of the Munster Town Code.

SECTION 3. DEVELOPMENT REQUIREMENTS. The Real Estate consists of approximately 18.421 acres, as described in the Plat of Subdivision, submitted by ATG and approved by the Plan Commission on November 12, 2002. The Residential Planned Unit Development consists of 12.41 acres, on which ATG shall construct one hundred forty-four (144) residential condominium units, as described in ATG's statement of intent, as amended; plat of subdivision; and plans and specifications, which were submitted to the Plan Commission and are incorporated herein by reference and shall constitute the Development Plan of the Residential Planned Unit Development required by Munster Town Code Chapter 26. The Commercial Planned Unit Development consists of approximately 5.48 acres, on which ATG shall construct a hotel and other commercial buildings as described in the statement of intent, as amended (of which the Commercial Permitted Uses is a part); plat of subdivision; and 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.

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

2) ATG shall submit condominium declarations and covenants for the Residential Planned Unit Development requiring that all private streets, roads and common areas shall be privately maintained by a condominium association.

SECTION 4. STREETS, GUTTERS, CURBS AND MUNICIPAL SERVICES. Petitioner 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. As part of the Development Plan, ATG shall install road improvements deemed necessary by the Town of Munster on the south side of the Fisher Street right-of-way to extend the existing three lane cross-section at the Fisher Street/Calumet Avenue intersection west to provide for shared center left turn lanes between Calumet Avenue and the rearage road that provides ingress and egress to the Commercial Planned Unit Development portion of the Real Estate.

SECTION 5. COMPLIANCE WITH THE MUNSTER ZONING CODE. 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 23RD day DECEMBER, 2002 by a vote of 3
in favor and 0 opposed.

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

By: 
Steve J. Pestikas, President

ATTEST:

By: 
David F. Shafer, Clerk-Treasurer

EXHIBIT A

PARCEL ONE: That parcel of real estate situated in the Town of Munster, Lake County, Indiana, described as follows: Starting at a point on the East line of Section 25, Township 36 North, Range 10 West of the Second Principal Meridian 190.00 feet South of the Northeast corner of said Section 25; thence South on the East line of said Section 25 461.00 feet; thence West parallel to the North line of said Section 25 to the East line of the C.I. & L. (Monon) Rail Road right-of-way; thence Northwesterly along the East line of said Monon right-of-way to a point 190.00 feet South of the North line of said Section 25; thence East parallel to the North line of Section 25 2506.68 feet to the Point of Beginning, excepting therefrom that part of the Northeast Quarter of Section 25, Township 36 North, Range 10, West of the Second Principal Meridian, described as follows:

Beginning at the intersection of the South line of the North 190 feet of said Northeast Quarter and the Easterly line of the 50 foot right-of-way of the Chicago, Indianapolis and Louisville Railroad Company; thence East along the South line of the North 190 feet of said Northeast Quarter a distance of 800 feet; thence South perpendicular to the last described course a distance of 400 feet; thence West parallel with the North line of said Northeast Quarter to the aforesaid Easterly line of the 50 foot right-of-way of the Chicago, Indianapolis and Louisville Railroad Company; thence Northwesterly on the last described line to the Point of Beginning, in Lake County, Indiana.

EXCEPTING THEREFROM that part of the following described land falling within the above described land:

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 293.29 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.

Part of 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 1708.32 feet to a point; thence South 01 degree 42 minutes 40 seconds West a distance of 400 feet to a point, said point being the True Place of Beginning of this description; thence North 88 degrees 17 minutes 20 seconds West parallel with the North line of said Section 25 a distance of 686.47 feet to a point, said point being 64 feet from the East right-of-way line of the Louisville and Nashville Railroad; thence South 14 degrees 41 minutes 32 seconds East a distance of 39.48 feet to a point; thence South 88 degrees 17 minutes 20 seconds East a distance of 675.32 feet to a point; thence North 01 degree 42 minutes 40 seconds East a distance of 37.87 feet to the Place of Beginning of this description.

EXHIBIT B

CAMBRIDGE CENTER LOT 1, LOT 2 AND LOT 3 PERMITTED USES

The following uses shall be permitted uses; those uses not listed as permitted shall not be allowed:

1. Uses classified as permitted pursuant to C-2 Restricted Retail and Office Neighborhood Business District zoning classification of the ordinance known as the Munster Municipal Code Chapter 29 and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961.
2. Retail and service uses, as follows:
 - (1) Antique shops.
 - (2) Apparel stores.
 - (3) Bakeries.
 - (4) Camera and photographic supply stores.
 - (5) Carpet, rug, linoleum and tile stores.
 - (6) China and glassware stores.
 - (7) Coin and philatelic stores.
 - (8) Dairy, ice cream and candy shops.
 - (9) Delicatessens.
 - (10) Department stores.
 - (11) Drug stores or convenience pharmacy.
 - (12) Dry goods store.
 - (13) Electric, household appliance, television and radio stores.
 - (14) Furrier shops, including storage.

- (15) Garden supply and seed stores.
- (16) Gift shops.
- (17) Grocery or convenience stores.
- (18) Grocery/supermarket.
- (19) Haberdashery stores.
- (20) Hardware stores.
- (21) Hobby stores.
- (22) Jewelry stores, including watch repairs.
- (23) Laundries and dry cleaners, automatic, self service coin operated.
- (24) Leather goods and luggage stores.
- (25) Liquor stores, package goods only, not for consumption on premises.
- (26) Loan offices.
- (27) Locksmith shops.
- (28) Medical and dental clinics.
- (29) Musical instrument stores, including servicing.
- (30) Optician shops.
- (31) Pet shops.
- (32) Physical culture and health spas, privately owned and operated. Such centers may include gymnasiums, swimming pools, reducing salons, karate, and judo studios and the like.
- (33) Picture framing establishments.
- (34) Planned unit developments business.
- (35) Public or employee parking area.
- (36) Radio and television sales, repair and service shops.

- (37) Restaurants and taverns, including the service of liquor.
- (38) Schools, including music, dance or business.
- (39) Sewing machine stores, household machines only.
- (40) Shoe stores.
- (41) Sporting goods stores.
- (42) Tailor shops.
- (43) Telegraph and Facsimile offices.
- (44) Tobacco shops.
- (59) Variety stores.

3. Hotels

4. Offices, including business, governmental, medical and professional

5. Medical clinic, medical diagnostic lab, medical treatment services (as part of a medical, dental, physician, surgical or chiropractic office(s))

6. Uses incidental to principal permitted uses, as follows:

- (a) Accessory uses, including drive through or drive-up facilities, being any facility in which the purchaser of goods, materials or services customarily purchases and receives goods, materials or services without exiting the vehicle.
- (b) Temporary building for construction purposes for a period not to exceed the duration of the construction.

[illegible]

SHEET
1 OF 1

SHEET
1 OF 1