

ADOPTED BY THE
TOWN COUNCIL
DATE 12-13-00

ORDINANCE NO 1152

**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.
(WILDWOOD COURT 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 29 and also known as the Town of Munster, Indiana, Zoning Ordinance of 1961 (hereinafter the “Zoning Ordinance”); and

WHEREAS, ATG Development Company LLC. (hereinafter “ATG”), 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 and to cause it to be rezoned to a Commercial Planned Unit Development and Residential Planned Unit Development, which real estate (hereinafter the “Real Estate”) is described as follows:

Commercial PUD

Description: A parcel of land in the Northwest Quarter of Section 32, Township 36 North, Range 9 West of the 2nd P.M. lying in the Eastwood Mall Addition to the Town of Munster, as recorded in Plat Book 62, page 20 in the Office of the Recorder of Lake County, Indiana, more particularly described as commencing at the Northeast corner of said Northwest Quarter; thence S 00 degrees 00 minutes 00 seconds W along the East line of said Northwest Quarter, a distance of 50.00 feet to the point of beginning; thence continuing S 00 degrees 99 minutes 00 seconds W, a distance of 191.00 feet; thence N 90 degrees 00 minutes 00 seconds W, a distance of 264.89 feet; thence N 00 degrees 47 minutes 00 seconds E, a distance of 194.60 feet; thence S 89 degrees 13 minutes 00 seconds E, a distance of 262.25 feet to the point of beginning, containing 1,166 acres, more or less, all in the Town of Munster, Lake County, Indiana; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's re-subdivision and the development plan which was 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 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 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.

(72) residential condominium units, as described in ATG's letter of intent; 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 29. The Commercial Planned Unit Development consists of approximately 2.677 acres, on which ATG shall construct a hotel and restaurant as described in the letter of intent; 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 29.

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

2) Final landscaping approval by the Plan Commission shall be required prior to construction .

3) Rezoning is conditioned on ATG meeting the parking requirements of Chapter 29 of the Town Code for each Planned Unit Development, or obtaining variance from parking requirements from the Munster Board of Zoning Appeals.

4) 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.