

ORDINANCE NO 1153

**AN ORDINANCE RECLASSIFYING CERTAIN REAL ESTATE IN THE TOWN OF MUNSTER, INDIANA, AS A PLANNED UNIT DEVELOPMENT FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER ZONING ORDINANCE.**

**(WHITE OAK WOODS 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 subdivide certain real estate within the Town of Munster and to cause it to be rezoned to a Residential Planned Unit Development, which real estate (hereinafter the “Real Estate”) is described as follows:

Description: That part of the Southwest Quarter of Section 32, Township 36 North, Range 9 West of the 2<sup>nd</sup> Principal Meridian, described as follows:

Commencing at the Southwest corner of said Southwest Quarter; thence North 00 degrees 00 minutes 00 seconds East, along the West line of said Southwest Quarter (being the West line of the vacated part of White Oak Avenue per Document No. 98092727) a distance of 50.0 feet to the Point of Beginning of land herein described; thence continue North 00 degrees 00 minutes 00 seconds East along said West line of the Southwest Quarter a distance of 1066.73 feet to the Southwesterly line of White Oak Avenue, as Dedicated per Document No. 98092726; thence Southeasterly along said Southwesterly line of White Oak Avenue (being a curve concaved to the Northeast having a radius of 615.00 feet) an arc distance of 431.73 feet (the chord of said arc lying South 40 degrees 53 minutes 21 seconds East, distant 422.92 feet); thence South 61 degrees 00 minutes 00 seconds East along said Southwesterly line of aforesaid White Oak Avenue a distance of 405.29 feet to a point of curve in said Southwesterly line; thence Southeasterly along said Southwesterly line (being a curve concaved to the

Southwest having a radius of 535.00 feet) an arc distance of 569.59 feet (the chord of said arc lying South 30 degrees 30 minutes 00 seconds East, distant 543.07 feet); thence South 00 degrees 00 minutes 00 seconds West, a distance of 90.51 feet to a point on a line drawn 50.0 feet North of and parallel with the South line of the said Southwest Quarter; thence North 89 degrees 30 minutes 03 seconds West, along said parallel line a distance of 906.98 feet to the Point of Beginning, all in the Town of Munster, Lake County, Indiana.

**WHEREAS**, said petition was assigned Plan Commission Number PC 2000-07 and considered initially at the regular meeting of October 24, 2000,

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 November 28, 2000; 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 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 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 and developmental requirements herein provided.

**SECTION 2. USE RESTRICTIONS.** Use of the District shall be limited to those uses permitted in a Residential Zoning District as set out in Chapter 29 of the Munster Town Code.

**SECTION 3. DEVELOPMENT REQUIREMENTS.** The Real Estate constitutes one parcel of approximately 13.5 acres. The Residential Planned Unit Development shall consist of one hundred fifty six (156) condominium units situated in thirteen (13) three story buildings, as set out in the letter of intent; subdivision plats; and plans and specifications submitted by ATG to the Plan Commission, which are incorporated herein by reference and which letter of intent; plat of subdivision; plans and specifications shall constitute the Planned Unit Development Plan as set out in Munster Town Code, chapter 29.

- 1) Final engineering by the Town shall be required prior to construction.
- 2) Final landscaping approval by the Plan Commission shall be required prior to construction.
- 3) ATG shall submit condominium declarations and covenants requiring that all private streets and roads and all common areas of the condominium development shall be maintained privately 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.

**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 29, pertaining to a Residential Zoning District.

**PASSED AND ADOPTED** by the Town Council of the Town of Munster, Lake County, Indiana, this 13th day of December, 2000, by a vote of 4 in favor and 0 opposed..

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

By: *James M. Huska*  
President

ATTEST:

By: *David F. Shaper*  
Clerk-Treasurer

