

ORDINANCE NO. 1521

AN ORDINANCE AMENDING THE ZONING MAP OF THE TOWN OF MUNSTER RECLASSIFYING CERTAIN REAL ESTATE FOR ZONING PURPOSES AND AMENDING THE TOWN OF MUNSTER ZONING ORDINANCE.

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, and amendments thereto (hereinafter the "Zoning Ordinance"); and

WHEREAS, the Town Council of the Town of Munster, Indiana, has previously adopted a zoning map dividing the Town into zoning districts and amendments thereto (the "Zoning Map"); and

WHEREAS, Family Care Center of Indiana, LLC and Munster West Real Estate Venture, LLC (together the "Petitioner") filed an Application For Planned Unit Development Approval with the Plan Commission of the Town of Munster, Indiana (the "Plan Commission") seeking to amend the Zoning Ordinance and the Zoning Map to rezone certain property in Munster pursuant to Munster Town Code 526-751 et. seq., as a Commercial Planned Unit Development District, for the construction of a health care facility building and related improvements; and

WHEREAS, the real estate sought to be rezoned (hereinafter the "Real Estate") is legally described as follows:

PART OF THE FORMER RIGHT-OF-WAY OF THE PENN CENTRAL RAILROAD MORE PARTICULARLY DESCRIBED AS FOLLOWS: BEGINNING AT THE NORTHEAST CORNER OF LOT 1, NATIONAL SURGICAL HOSPITAL ADDITION TO THE TOWN OF MUNSTER, AS SHOWN IN PLAT BOOK 94, PAGE 35 IN LAKE COUNTY, INDIANA; THENCE NORTH 36 DEGREES 21 MINUTES 09 SECONDS WEST ALONG THE NORTHERLY LINE OF SAID LOT 1 AND SAID NORTHERLY LINE EXTENDED, A DISTANCE OF 389.12 FEET; THENCE SOUTH 58 DEGREES 26 MINUTES 29 SECONDS EAST, A DISTANCE OF 265.93 FEET; THENCE SOUTH 36 DEGREES 21 MINUTES 09 SECONDS EAST ALONG A LINE PARALLEL TO AND 100.00 FEET NORTHEASTERLY OF THE NORTHERLY LINE OF SAID LOT 1, BY PERPENDICULAR MEASUREMENT, A DISTANCE OF 102.25 FEET; THENCE SOUTH 31 DEGREES 37 MINUTES 10 SECONDS WEST, A DISTANCE OF 107.87 FEET TO THE POINT OF BEGINNING, CONTAINING 0.564 ACRES, MORE OR LESS, ALL IN THE TOWN OF MUNSTER, LAKE COUNTY, INDIANA.

AND

LOT 1, NATIONAL SURGICAL HOSPITAL ADDITION TO THE TOWN OF MUNSTER, AS SHOWN IN PLAT BOOK 94, PAGE 35 IN THE OFFICE OF THE RECORDER OF LAKE COUNTY, INDIANA.

WHEREAS, following notice by publication and notice to interested parties, as required by Indiana Code 36-7-1-604(b) and Indiana Code 5-3-1-2(b), a public hearing was held by the Plan Commission on May 10, 2011; and

WHEREAS, the Plan Commission, after public hearing, has approved the Petitioner's development plan submitted under Section 26-752 of the Zoning Ordinance (hereinafter the "Development Plan"), and has recommended that the Zoning Ordinance and the Zoning Map be amended pursuant to Section 26-754 and has certified said recommendation to the Council pursuant to Indiana Code 36-7-4-605, as required by Indiana Code 36-7-4-608(b), so as to provide that the Real Estate be classified as a Commercial Planned Unit Development District, and has made the following findings as required by Section 26-754 of the Zoning Ordinance:

1. The use proposed will not be detrimental to present and potential surrounding uses, but will have a beneficial effect which could not be achieved by changing the zoning to any other district.
2. An amendment to the requirements of the Zoning Ordinance is warranted by the design and amenities incorporated into the Development Plan.
3. The land surrounding the Real Estate either can be planned in coordination with the proposed development or will be compatible in use.
4. The proposed change to a Commercial 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 any anticipated traffic that may be created as a result of the approval of the proposed development.
6. Existing and proposed utility services are adequate to service the proposed development.
7. The proposed development contains the required parking spaces, landscape and utility areas necessary for creating and sustaining a desirable and stable environment.
8. The proposed building, parking spaces, and landscaping can be completely developed with five (5) years of the establishment of the Commercial Planned Unit Development District.

NOW, THEREFORE, BE IT ORDAINED by the Town Council that the Zoning Ordinance and the Zoning Map are hereby amended and modified and that the Real Estate, all lying With the municipal corporate limits of the Town of Munster, Lake County, Indiana, be zoned as a Commercial Planned Unit Development District as follows:

SECTION 1. ZONING. The Real Estate is hereby zoned as a Commercial Planned Unit Development District (hereinafter the "District") subject to the use restriction herein provided.

SECTION 2. USE RESTRICTION. The use of the District shall be limited to the Development Plan approved by the Plan Commission, which is incorporated herein by reference.

SECTION 3. AMENDMENT OT THE DEVELOPMENT PLAN. All amendments to the Development Plan shall require approval by the Plan Commission, including but not limited to, all amendments to the resubdivision plat, to the subdivision engineering, to the site plan, to the landscaping plan, and to the sign plan.

PASSED AND ADOPTED by the Town Council for the Town of Munster, Lake County, Indiana, this day of , 2011 by a vote of _____ in favor and _____ opposed.

TOWN COUNCIL OF THE TOWN OF
MUNSTER, INDIANA

By: _____
President

ATTEST:

By: _____
Clerk-Treasurer