

LAPORTE COUNTY BOARD OF COMMISSIONERS

ORDINANCE NO. 2021- 11

**AN ORDINANCE OF THE LAPORTE COUNTY COMMISSIONERS
AMENDING THE ZONING MAP OF LAPORTE COUNTY, INDIANA AND
APPROVING THE ADDITION OF A PLANNED UNIT DEVELOPMENT
("PUD") OVERLAY FOR A PARCEL OF REAL PROPERTY OWNED BY
BRIAR RIDGE PARTNERSHIP AND ZONED R2A**

WHEREAS, Briar Ridge Partnership ("Briar Ridge") filed with the LaPorte County Plan Commission ("Plan Commission") an Application seeking the preliminary approval of its proposed Planned Unit Development ("PUD") to be developed at its vacant property, which is more particularly described as follows:

A PARCEL OF LAND SITUATED IN THE NW ¼ OF THE SW ¼ OF SECTION 14, TOWNSHIP 37 N, RANGE 3 W, LAPORTE COUNTY, INDIANA BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT A RAILROAD SPIKE MARKING THE W ¼ CORNER OF SECTION 14, TOWNSHIP 37 N, RANGE 3 W LAPORTE COUNTY, INDIANA, FOR THE POINT BEGINNING: THENCE N 88° 28' 02" E, ALONG THE EAST-WEST CENTERLINE OF SAID SECTION 14, A DISTANCE OF 979 FEET TO AN IRON PIPE; THENCE S 1° 33' 00" E, A DISTANCE OF 484 FEET TO AN IRON PIPE; THENCE S 88° 28' 02" W, A DISTANCE OF 979 FEET TO A POINT ON THE WEST LINE OF SAID SECTION 14; THENCE N 1° 33' 00" W, ALONG SAID WEST LINE, A DISTANCE OF 484 FEET TO THE POINT OF BEGINNING, CONTAINING 10.877 ACRES, MORE OR LESS,

Parcel ID#: 46-06-14-300-045.000-042; and

WHEREAS, Briar has duly complied with the preliminary PUD site plan submittal requirements as set forth in Article 25, Section 25.07 of the LaPorte County Joint Zoning Ordinance; and

WHEREAS, following the filing of the Application, the Plan Commission scheduled and conducted public hearing for the PUD on April 27, 2021; and

WHEREAS, the Plan Commission found that Briar Ridge properly gave the necessary notice of the filing of the Application and of the date and time of the public hearing on said Application by publication in the manner prescribed by IC §5-3-1-, *et. seq.*; and

WHEREAS, the Plan Commission found that Briar Ridge properly gave the necessary notice to the persons who own property that abuts the property for which Briar Ridge sought preliminary approval of the PUD and who were required to be given notice of the filing of the Application as well as the date and time of hearing of the hearing; and

WHEREAS, during the public hearing, the Plan Commission determined that the requirements of I.C. § 36-7-4-1505, were satisfied, further determined that a zoning map should be adopted to reflect the addition of the proposed PUD overlay, all as permitted by and set forth in the Indiana Code as well as the Joint Zoning Ordinance, and certified to the Board of Commissioners of LaPorte County its favorable recommendation of the preliminary approval of the PUD, and certifies its favorable recommendation for passage of this proposed Ordinance to the Board of Commissioners; and

WHEREAS, the Plan Commission approved the preliminary site plan with modifications and addendums, as set forth in this Ordinance; and

WHEREAS, pursuant to County Ordinance 2021-3, the subject property is now zoned as R2A, which is a zoning district in which the PUD is permissible; and

WHEREAS, notice of the Board of Commissioner's intention to consider the proposed change in the zoning map as required by IC § 5-14-1.5-5 has been duly posted and published; and

WHEREAS, the Commissioners have paid reasonable regard, consideration, and attention to the recommendation of the Plan Commission, to the documentation and other evidence presented to the Commissioners regarding the proposed zoning map change, and to the legal requirements applicable to the Commissioners' decision, including, as required by IC § 36-7-4-603, the County's Comprehensive Plan; the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the County; and responsible development and growth,

NOW, THEREFORE, BE IT ORDAINED by the LaPorte County Board of

Commissioners, pursuant to applicable laws, including IC § 36-7-4-608 and Article 25 of the Joint Zoning Code, and based on the evidence presented, as follows:

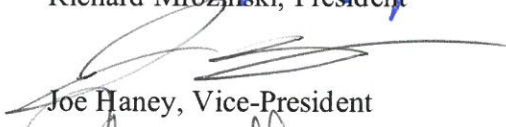
1. The subject real property, as described above and more fully depicted in the survey included with the attached Exhibit “A,” which is incorporated into and made a part of this Ordinance by virtue of this reference, is now designated as a planned unit development district.
2. The permissible use(s) in this planned unit development district shall be a multi-phased residential townhome development.
3. Once developed, the PUD shall be owned by Briar Ridge Partnership, a subsidiary of Infinite Development, LLC, or one of its related subsidiaries.
4. The uses or range of uses, development requirements, required plan documentation and supporting information, and limitations, if any, applicable to this planned unit development district all, as required by IC § 36-7-4-1500, *et. seq.*, and specifically IC § 36-7-4-1503, and Article 25 of the Joint Zoning Ordinance, are set forth in the attached Exhibit “A.”
5. Amending the County’s zoning map to include the subject planned unit development district:
 - A. is compatible with the County’s Comprehensive Plan, the current conditions and the character of current structures and uses in each district; the most desirable uses for which the land in each district is adapted; the conservation of property values throughout the County; and responsible development and growth;
 - B. will provide for the most reasonable use for which the affected property is adapted and the proposed land use will not have an adverse effect on surrounding land;
 - C. will not be injurious or detrimental to the surrounding property values and will further the conservation of property values throughout the County;
 - D. will promote orderly and responsible community growth and development and will not adversely affect the community;
 - E. the topography, soil condition, and other physical features of the subject land are suitable for the proposed use;

- F. the change in zoning map is not “spot zoning” which will confer a special benefit on a relatively small tract without commensurate benefit to the community; and
- G. the change in zoning will not disrupt or destroy any neighborhood plan.
6. The Board of Commissioners finds it is in the best interests of the County of LaPorte, Indiana and its citizens to accept and approve the favorable recommendation of the Plan Commission that the requested change in the County’s zoning map be approved by the Board of Commissioners.
7. The zoning map of LaPorte County, Indiana shall be amended to reflect the addition of this planned unit development district; and the amended zoning map shall be available in the office of the Plan Commission for review and copying by the public.
8. A certified copy of this Ordinance shall be recorded with the LaPorte County Recorder in order that the same may be placed of record with that Office.

ADOPTED by the LaPorte County Board of Commissioners this 18th day of ~~July~~ ^{August}, 2021.

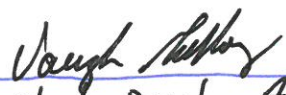
LaPorte County Board of Commissioners


Richard Mrozinski, President


Joe Haney, Vice-President


Sheila Matias, Member

Attest:


Vaughn Shelby
Chief Deputy Auditor