

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2020-03**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,
REZONING CERTAIN PROPERTY FROM AG (AGRICULTURAL) TO I-1
(INDUSTRIAL) WITH RESTRICTIONS AND COMMITMENTS
("Mohr Development, LLC", 123.486 acres at the northeast corner
of Whiteland Road and Graham Road)**

WHEREAS, the Whiteland Advisory Plan Commission ("Commission") conducted a public hearing on the petition for rezoning of approximately 123.486 acres located generally at the northeast corner of Whiteland Road and Graham Road, within the Town of Whiteland ("Town"), more specifically described and depicted on attached Exhibit A, incorporated herein, (the "Property") from the current zoning of AG, Agricultural use to I-1, Industrial use;

WHEREAS, the Commission, after paying reasonable regard to 1) the Whiteland Comprehensive Plan, 2) the current conditions and the character of the current structures and uses in each district, 3) the most desirable use for which the land in each district is adapted, 4) the conservation of property values throughout the jurisdiction, and 5) responsible development and growth, has made a favorable recommendation by a vote of 5 and 0 against regarding the change in the zone map and has certified the same to the Whiteland Town Council ("Council");

WHEREAS, the Commission has considered a number of voluntary commitments to be applied to the zoning classification which are attached hereto, and labeled as Exhibit "B";

WHEREAS, the Council has considered the recommendation of the Commission and paid reasonable regard to items 1 thru 5 referred to above;

WHEREAS, the amendments herein are consistent with the following purposes, as required under I.C. 36-7-4-601(c):

- a. Securing adequate light, air, convenience of access, and safety from fire, flood, and other danger;
- b. Lessening or avoiding congestion in public ways;
- c. Promoting the public health, safety, comfort, morals, convenience, and general welfare; and
- d. Otherwise accomplishing the purposes of I.C. 36-7-4;

WHEREAS, the Council has given notice under I.C. 5-14-1.5-5 (the Open Door Law) of its intention to consider the amendment to the Whiteland Zoning Map; and

WHEREAS, the Council desires to adopt the proposed amendment to the Zoning Map of the Town of Whiteland.

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA, AS FOLLOWS:

Section 1. The official Zone Map of the Town of Whiteland, as referred to in Section 156.041 of the Whiteland Zoning Code as incorporated into the Whiteland Municipal Code, is hereby amended to rezone the Property described in Exhibit A from AG (Agricultural) to I-1 (Industrial), subject to the commitments and restrictions stated in Exhibit B, which shall be incorporated into a recordable written Commitment in a form acceptable to the Whiteland Town Attorney (the "Commitment"), and recorded by the owner or petitioner.

Section 2. The Whiteland Plan Commission is hereby authorized to make the above described change to the official Zone Map of the Town of Whiteland, once the Commitment has been recorded in the chain of title of the Property.

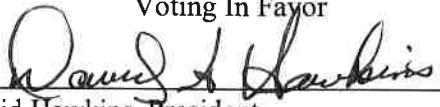
Section 3. This Ordinance shall have no effect as to changing any other provision of the Whiteland Zoning Code other than the amendment of the official Zone Map.

Section 4. This Ordinance shall be in full force and effect from and after its adoption, but the rezoning contemplated herein shall not take effect until the Commitment is recorded in the chain of title of the Property.

DULY PASSED AND FINALLY ADOPTED on the 12th day of May, 2020, by a vote of 4 in favor and 0 against.

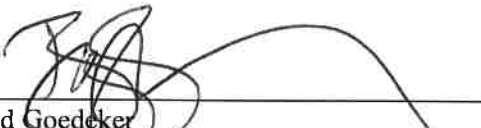
TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

Voting In Favor



David Hawkins, President

Scot Ford, Vice President




Brad Goedeker



Joseph Sayler



Laura Fleury

Attest:


Debra L. Hendrickson, Clerk-Treasurer

Voting Opposed

David Hawkins, President

Scot Ford, Vice President

Brad Goedeker

Joseph Sayler

Laura Fleury

EXHIBIT A
Mohr Development, LLC Property
(Page 1 of 2)

Part of the East half of the SWQ and part of the West half of the SEQ of S23, T13N, R4E of the Second Principal Meridian described as follows:

Beginning at a P-K nail found at the SWC of the East half of the SWQ section; thence North 0 degrees 00 minutes 00 seconds East (assuming bearing) on and along the West line thereof 2227.01' to a R.R. spike found; thence North 89 degrees 59 minutes 48 seconds East 1375.50'; thence North 0 degrees 00 minutes 08 seconds West 1.40'; thence North 89 degrees 42 minutes 19 seconds East 1276.82' to the East line of the West half of the SEQ of the said Section 23; thence South 0 degrees 13 minutes 15 seconds West on and along the said East line 1792.60'; thence South 89 degrees 24 minutes 26 seconds West parallel to the South line of the said half quarter section 1224.10'; thence South 0 degrees 22 minutes 34 seconds East 416.14' to the said South line; thence South 89 degrees 24 minutes 26 seconds West on and along the said South line 107.50'; thence South 89 degrees 27 minutes 31 seconds West on and along the South line of the East half of the SWQ of the said section 1330.47' to the Point of Beginning, containing 123.486 acres, more or less.

Except

A part of the East Half of the Southwest Quarter of Section 23, Township 13 North, Range 4 East, Johnson County, Indiana, and being all that part of the grantor's land lying within the right of way lines depicted on the attached Right of Way Parcel Plat, marked Exhibit "B", described as follows:

Beginning at the Southwest Corner of said east half designated as point "201" on the Location Control Route Survey plat recorded as Instrument Number 2014-009639, in the Office of the Recorder of said County; thence North 00 degrees 17 minutes 57 seconds West a distance of 450.00 feet, along the west line of said east half, to the point designated "30" on said Location Control Route Survey plat; thence North 89 degrees 42 minutes 03 seconds East a distance of 40.00 feet to the point designated "621" on said Parcel Plat; thence South 00 degrees 17 minutes 57 seconds East a distance of 125.00 feet to the point designated "622" on said Parcel Plat; thence South 08 degrees 25 minutes 45 seconds East a distance of 212.13 feet to the point designated "623" on said Parcel Plat; thence South 40 degrees 56 minutes 40 seconds East a distance of 44.92 feet to the point designated "624" on said Parcel Plat; thence South 83 degrees 23 minutes 45 seconds East a distance of 115.97 feet to the point designated "625" on said Parcel Plat; thence South 87 degrees 45 minutes 00 seconds East a distance of 465.67 feet to the point designated "626" on said Parcel Plat; thence North 89 degrees 10 minutes 22 seconds East a distance of 45.00 feet to the point designated "627" on said Parcel Plat; thence South 00 degrees 49 minutes 38 seconds East a distance of 40.00 feet to the south line of said east half; thence South 89 degrees 10 minutes 22 seconds West a distance of 725.00 feet, along said south line, to the point beginning and containing 1.423 acres, more or less, inclusive of the presently existing right of way, which contains 0.281 acres, more or less.

EXHIBIT A
Mohr Development, LLC Property
(Page 2 of 2)



EXHIBIT B
Commitments

Uses shall be limited to:

Light Industrial Assembly and Production
Warehouse/ Distribution Facility
Wholesale Facility
Conference Center
Data Processing / Call Center
Office Uses
Government Facility (non-office)

Accessory uses traditionally associated with the permitted uses listed, which are secondary to the primary use in area, intent, and/ or purpose, and are found on the same parcel as the principle use but are clearly subordinate or incidental, are permitted. Permitted accessory uses shall include, but not be limited to:

Parking and Temporary Storage of Trailers
Outdoor Storage of Machinery or Materials
Vehicle Maintenance Facilities
Fueling Facilities

Perimeter Buffering:

When the proposed site abuts a residential zoning classification or use, buffer yards must include a minimum setback of 25 feet in addition to the yard setback otherwise required by the I1 (Industrial) zoning district. Additionally, 1 large deciduous tree (a minimum of 2 inches in diameter, measured 6 inches above the root ball, at the time of planting) or 2 conifer trees must be planted in the buffer yard for every 30 feet of boundary between the subject property and adjoining properties. Buffer yards must also incorporate a 6 foot tall opaque fence, a row of evergreen trees, or an undulating mound (a minimum of 5 feet in height) planted with shrubs.

- a. If an undulating mound is used, the slope of the mound must not exceed 3:1 (rise:run). One shrub must be planted for every 10 feet of boundary. Shrubs must be a minimum of 18 inches in height (measured from ground level) at the time of planting.
- b. If a row of evergreen trees is used, one tree must be planted for every 20 feet of buffer required. All trees must be a minimum of 5 feet in height (measured from the root ball) at the time of planting.
- c. A combination of treatments (fencing, mounding, and tree row) may be used to satisfy the requirements of this provision.
- d. In addition to the foregoing, a water detention pond shall be installed on the west side of the property, allowing the building to be shifted east, as presented at the Whiteland Plan Commission meeting on May 5, 2020.