

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2020-13**

**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
("Brightwell/ABC, LLC Property", 10 acres at 3000 Whiteland Road)**

WHEREAS, the Whiteland Advisory Plan Commission ("Commission") conducted a public hearing on the petition for rezoning of approximately 10 acres located at 3000 Whiteland 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/unfavorable/no] recommendation by a vote of 6 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 8th day of September, 2020, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

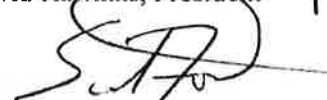
Voting In Favor

Voting Opposed



David Hawkins, President

David Hawkins, President



Scot Ford, Vice President

Scot Ford, Vice President



Brad Goedeker

Brad Goedeker



Joseph Sayler

Joseph Sayler



Laura Fleury

Laura Fleury

Attest:


Debra L. Hendrickson, Clerk-Treasurer

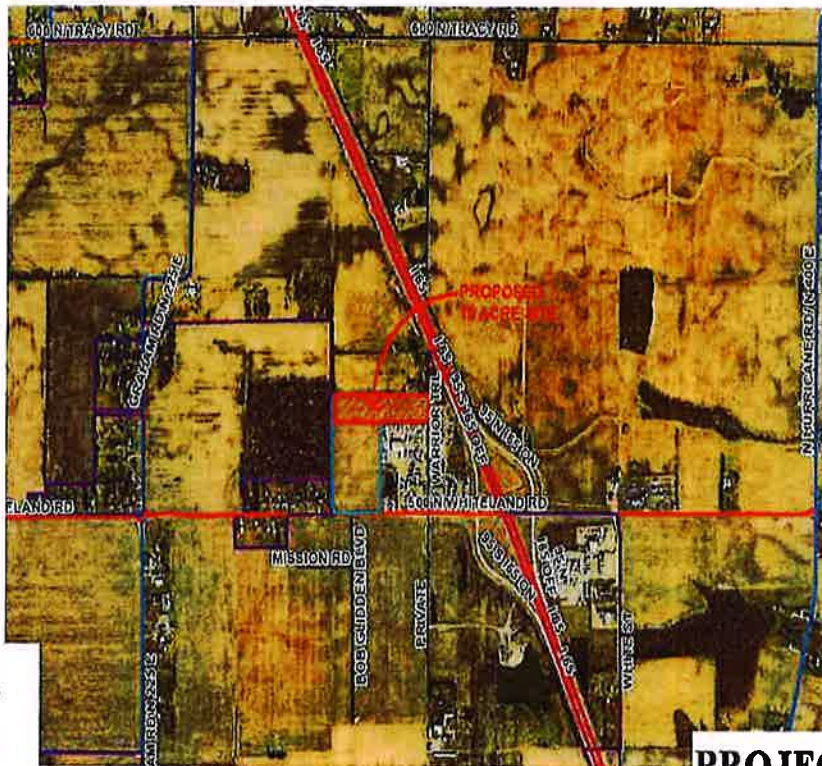
EXHIBIT A
Brightwell/ABC, LLC Property
(Page 1 of 2)

Part of the Southeast Quarter of the Southeast Quarter of Section 23, Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana described as follows:

Beginning at the Northeast Corner of said Quarter-Quarter Section; thence along the East line of said Quarter Section South 00 degrees 50 minutes 56 seconds East (assumed bearing) 302.11 feet; thence parallel with the North line of said Quarter-Quarter Section South 89 degrees 31 minutes 51 seconds West 655.50 feet; thence parallel with the East line of said Quarter Section South 00 degrees 50 minutes 56 seconds East 49.43 feet; thence parallel with the north line of said Quarter-Quarter Section South 89 degrees 31 minutes 51 seconds West 677.07 feet to the West line of said Quarter-Quarter Section; thence along said West line North 00 degrees 27 minutes 53 seconds West 351.53 feet to the Northwest Corner of said Quarter-Quarter Section; thence along the North line of said Quarter-Quarter Section North 89 degrees 31 minutes 51 seconds East 1330.21 feet to the Point of Beginning of this described tract containing 10.00 acres, more or less, subject to all right-of-way, easements and restrictions.

EXHIBIT A
Brightwell/ABC, LLC Property
(Page 2 of 2)

ABC CUTTING CONTRACTORS, INC.
TOWN OF WHITELAND, JOHNSON COUNTY, INDIANA
WHITELAND ZONING 'AG'



SCALE 1" = 150'

DATE OF FILE: 6/2/1970 DWG: ABC CONCEPTUAL.dwg

PROJECTS plus

GREENWOOD SURVEYING COMPANY

CIVIL ENGINEERING - LAND SURVEYING
LAND PLANNING - CONSTRUCTION LAYOUT
180 Airport Parkway, Suite A - Greenwood, Indiana 46144
(317)-882-5003

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

When a permitted primary use utilizes outdoor storage of machinery or materials, or a similar, as a permitted accessory use, additional buffering and landscaping may be required as determined by Town planning staff. Additional buffering shall be considered on a case by case basis and may not apply to the entire site.

Perimeter Buffering:

Based on the final proposed use, additional perimeter buffering may be required in order to mitigate any potential negative impacts onto surrounding properties. This buffering will be determined by Town planning staff at the time of site development plan and will be specific to the individual project.

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.

