

WHITELAND TOWN COUNCIL

ORDINANCE 2018-08

AN ORDINANCE REZONING CERTAIN PROPERTY TO I1 (GENERAL INDUSTRIAL)

WHEREAS; the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 167.228 acres located, generally, South of Whiteland Road, West of Warrior Trail, and East of Graham Road, more specifically described in “Exhibit A” within the Town of Whiteland (Town), from the current zoning of AG, Agricultural use to I1, General Industrial use to provide for development of the Whiteland Business Park; and

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 4 for and 0 against regarding the change in the zone map and has certified the same to the Whiteland Town Council; and

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”; and

WHEREAS; The Whiteland Town Council has given notice of its intention to consider this matter; and

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

NOW THEREFORE, BE IT ORDAINED BY THE TOWN COUNCIL OF THE TOWN OF WHITELAND, INDIANA THAT;

1. **Zoning Map Amended:** The subject property described in Exhibit “A” (the “Property”) is hereby re-zoned to I1 (General Industrial) with written commitments and restrictions as stated in Exhibit “B”, attached hereto.
2. **Construction of Clause Headings:** The clause headings appearing in this ordinance have been provided for convenience and referee, and do not purport and will not be deemed to define, limit, or extend the scope or intent of the clauses to which the headings pertain.
3. **Repeal of Conflicting Ordinances:** The provisions of all other ordinances in conflict with the provisions of this ordinance are of no further force or effect upon the remaining provisions of this ordinance.
4. **Severability of Provisions:** If any part of this ordinance is held to be invalid, such part will be deemed severable and its validity will have no effect upon the remaining provisions of this ordinance.
5. **Duration and Effective Date:** This Ordinance shall be in full force and effect from and after its adoption and publication according to law and after the above referenced Commitments are made by the owner of the Property in a form acceptable to the Planning Director and the Town Attorney, and recorded in the chain of title of the Property, in the office of the Recorder of Johnson County, Indiana.

INTRODUCED on the 13th Day of November 2018

DULY PASSED on this _____ day of _____, 2018, by the Town Council of the Town of Whiteland, Johnson County, Indiana having been passed by a vote of _____ in favor and _____ Opposed.

Town of Whiteland, by its Town Council

Voting Affirmative

Voting Opposed

Abstaining

Andy Brock, President

Andy Brock, President

Andy Brock, President

James Klenner, Vice President

James Klenner, Vice President

James Klenner, Vice President

Scot Ford

Scot Ford

Scot Ford

David Hawkins

David Hawkins

David Hawkins

Joseph Saylor

Joseph Saylor

Joseph Saylor

Attest:

Debra Hendrickson, Clerk-Treasurer

EXHIBIT "A"
Ordinance 2018-08 Legal Description

Part of the southeast quarter, part of the northeast quarter and part of the east half of the northwest quarter of Section 26, Township 13 North, Range 4 East of the second principal meridian in Pleasant Township, Johnson County, Indiana, more particularly described as follows:

Commencing at the northwest corner of the northeast quarter of said Section 26; thence north 88 degrees 55 minutes 46 seconds east along the north line of said northeast quarter 712.03 feet to the northeast corner of Woodview Subdivision, per plat thereof recorded in Plat Book 6, Page 48 in the Office of the Johnson County Recorder, being the Point of Beginning; thence north 88 degrees 55 minutes 46 seconds east along the north line of said northeast quarter a distance of 624.90 feet to the northwest corner of the east half of said northeast quarter; thence north 99 degrees 55 minutes 46 seconds east along the north line of said northeast quarter a distance of 932.28 feet; thence south 01 degrees 04 minutes 14 seconds east a distance of 16.50 feet to the northwest corner of a land tract conveyed to the State of Indiana recorded in Book 180, Page 245; thence south 52 degrees 10 minutes 00 seconds east along a south line of said land tract a distance of 127.30 feet; thence south 86 degrees 01 minute 26 seconds east along a south line of said land tract a distance of 265.01 feet to the west line of a land tract conveyed to "Whiteland 95 RE LLC" recorded as instrument number 2015-028569; thence south 00 degrees 18 minutes 24 seconds east along the west line of said land tract a distance of 795.74 feet; thence north 88 degrees 55 minutes 46 seconds east along a south line of said land tract a distance of 40.00 feet to the east line of said northeast quarter; thence south 00 degrees 18 minutes 24 seconds east along the east line of said northeast quarter a distance of 1484.79 feet to a point located 297.00 feet north of the southeast corner of said northeast quarter; thence south 88 degrees 49 minutes 46 seconds west parallel with the south line of said northeast quarter a distance of 1326.56 feet to the west line of the east half of said northeast quarter; thence south 00 degrees 33 minutes 17 seconds east along said west line a distance of 297.02 feet to the south line of said northeast quarter; thence south 88 degrees 49 minutes 46 seconds west along the south line of said northeast quarter a distance of 625.02 feet; thence south 00 degrees 21 minutes 54 seconds east 66.00 feet; thence south 88 degrees 49 minutes 46 seconds west parallel with the south line of said northeast quarter 698.90 feet to the west line of the southeast quarter of said Section 26; thence north 00 degrees 49 minutes 12 seconds west along the west line of the southeast quarter 66.00 feet to the northwest corner of said southeast quarter; thence south 88 degrees 49 minutes 46 seconds west along the south line of the northwest quarter a distance of 1330.41 feet to the southwest corner of the east half of said northwest quarter; thence north 00 degrees 46 minutes 07 seconds west along the west line of the east half of said northwest quarter a distance of 217.60 feet; thence north 88 degrees 49 minutes 46 seconds east parallel with the south line of said northwest quarter a distance of 460.14 feet to the southeast corner of a land tract conveyed to "Manifold" recorded in Book 237, Page 242; thence north 00 degrees 46 minutes 07 seconds west parallel with said west line a distance of 284.99 feet to the northeast corner of a land tract conveyed to "Graves" recorded as instrument number 2016-011025; thence south 88 degrees 49 minutes 46 seconds west parallel with the south line of said northwest quarter a distance of 34.20 feet; thence north 00 degrees 49 minutes 12 seconds west parallel with the east line of said northwest quarter a distance of 275.55 feet to the southwest corner of a land tract conveyed to "Linda Kirk Maschmeyer" recorded as instrument number 96003563; thence north 89 degrees 04 minutes 20 seconds east along the south line of said land tract and parallel with the north line of said northwest quarter a distance of 904.00 feet to the east line of said northwest quarter; thence north 00 degrees 49 minutes 12 seconds west along said east line a distance of 1550.73 feet to the intersection with the extension of the south line of said Woodview Subdivision; thence north 88 degrees 55 minutes 46 seconds east along said south line a distance of 705.48 feet to the southeast corner of said Woodview Subdivision; thence north 00 degrees 10 minutes 34 seconds east along the east line of said Woodview Subdivision a distance of 376.79 feet to the point of beginning.

Containing 167.228 Acres, more or less.

EXHIBIT "B"
Ordinance 2018-08 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 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 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 requirement.

Future Site Development Plan Review:

Staff requests that the Commission grant site development plan review and approval authority to staff for construction within this zoning application. Administrative review of the technical construction documents serves to streamline the review process on time sensitive projects, and reduces the overall caseload for regular Plan Commission meetings.