

WHITELAND TOWN COUNCIL

ORDINANCE NO. 2019-08

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,
REZONING CERTAIN PROPERTY TO I-1 (INDUSTRIAL) WITH RESTRICTIONS
AND COMMITMENTS**

(“Whiteland 95 RE, LLC”, 105.022 acres West of I-65 and South of Whiteland Rd.)

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 105.022 acres located generally West of I-65 and South of Whiteland Rd., within the Town of Whiteland (“Town”), more specifically described in the 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] recommendation by a vote of _____ and _____ against regarding the change in the zone map and has certified the same to the Whiteland Town 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 Whiteland Town Council (“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 Zone 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.

[Remainder of page intentionally blank]

PASSED through first reading by the Town Council on the 10th day of December, 2019, by a vote of _____ in favor and _____ against.

DULY PASSED AND FINALLY ADOPTED on second reading on the _____ day of _____, 2020, by a vote of _____ in favor and _____ 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 Goedecker

Brad Goedecker

Joseph Sayler

Joseph Sayler

Laura Fleury

Laura Fleury

Attest:

Debra L. Hendrickson, Clerk-Treasurer

EXHIBIT A

(Page 1 of 2)

Legal Description of the Rezoned Property

Whiteland 95 RE, LLC (Parcel 41-05-25-022-001.000-058)

A part of the West Half of Section 25 and a part of the Northeast Quarter of Section 26, all being located in Township 13 North, Range 4 East of the Second Principal Meridian, Johnson County, Indiana described as follows:

Beginning at the Southeast corner of the Northeast Quarter of the said Section 26; thence along the East line of the said Northeast Quarter North 00 degrees 30 minutes 57 seconds East (assumed bearing) 297.00 feet; thence continuing along the said East line North 01 degrees 02 minutes 27 seconds East 1485.06 feet; thence through said Section 26 South 89 degrees 39 minutes 44 seconds West 40.00 feet; thence parallel with the said East line North 00 degrees 23 minutes 10 seconds West 795.74 feet to the Indiana Department of Transportation right-of-way (Book 180, Page 245); thence along the said right-of-way the following 10 courses: (1) thence South 87 degrees 57 minutes 17 seconds East 40.07 feet to the West line of the Northwest Quarter of the said Section 25; (2) thence South 85 degrees 05 minutes 06 seconds East through the said Section 25 a distance of 24.79 feet; (3) thence South 85 degrees 13 minutes 30 seconds East 474.29 feet; (4) thence South 34 degrees 35 minutes 16 seconds East 132.07 feet to the beginning of a non-tangent curve; (5) thence Southeasterly 619.26 feet along said curve to the left having a radius of 587.46 feet and subtended by a long chord having a bearing of South 29 degrees 39 minutes 20 seconds East and a length of 590.98 feet (6) thence South 64 degrees 33 minutes 26 seconds East 225.11 feet; (7) thence South 49 degrees 30 minutes 28 seconds East 353.80 feet to the East line of the West Half of the Northwest Quarter of the said Section 25; (8) thence continuing South 49 degrees 30 minutes 28 seconds East 116.30 feet; (9) thence South 30 degrees 49 minutes 01 seconds East 426.21 feet; (10) thence South 23 degrees 59 minutes 25 seconds East 1266.04 feet to the South line of the said Northwest Quarter Section; thence along the said South line North 89 degrees 55 minutes 18 seconds West 834.80 feet to the Northeast corner of the North Half of the Northwest Quarter of the Southwest Quarter of the said Section 25; thence along the East line of the said North Half South 00 degrees 43 minutes 41 seconds West 659.69 feet to the Southeast corner of the said North Half; thence along the South line of the said North Half North 89 degrees 55 minutes 18 seconds West 1345.79 feet to the Southwest corner of the said North Half; thence along the West line of the said North Half North 00 degrees 30 minutes 57 seconds East 669.39 feet to the Point of Beginning, containing 105.022 acres, more or less.

WHITELAND 95 RE PROPERTY



EXHIBIT B
(Four Pages in Total)

ZONING COMMITMENTS

Uses shall be limited to:

Insurance agencies

Real estate agencies

Law offices

Investment services except banks

Accounting, bookkeeping, tax consultants, and notary offices

Utility offices

Bed and breakfasts

Commercial research facilities

Professional office

Information technologies

Gas stations not engaging in motor vehicle services

Business services as follows:

(a) Banks and loan offices

(b) Engineering and architectural offices

Personal and social services as follows:

(a) Day care centers

(b) Employment offices (Human Resources Management)

(c) Dance studios and academies

Health services as follows:

(a) Nursing homes

(b) Medical labs

(c) Medical offices

(d) Emergency health care office

Equipment and retail service uses as follows:

(a) Computer and electronic sales and service

(b) Appliance stores

(c) Record, tape or compact disc stores

(d) Personal and small business printing trades

(e) Building trades

(f) Retail general merchandise

(g) Auto sales without motor vehicle service

(h) Drugstores

(i) News dealers and magazine shops

(j) Flower shops and greenhouses in conjunction with a flower shop.

Food service uses as follows:

(a) Grocery

(b) Meat markets

(c) Delicatessens

(d) Retail food

(e) Restaurants and fast-food

(f) Micro-brewery in conjunction with retail food sales

Gas stations engaging in motor vehicle repair service

Tire dealers and tire repair service

Retail and department stores

Hospitals

Insurance companies

Bakery

Recreational uses as follows:

(a) Amusement parks

(b) Motion picture theaters but not drive-in theaters

(c) Golf courses and driving ranges

(d) Bowling alley

(e) Skating rink

(f) Billiard rooms

Night clubs, bars or taverns and retail establishments selling alcoholic beverages by the drink

Hotels and motels (* Only if individually approved in writing by the Town Manager)

Veterinary clinics without animal incineration

Retail hardware and building material sales

Funeral homes

General contracting and special trades services without outside storage:

(a) Heating and air conditioning contractors

(b) Electrical contractors

(c) Masonry contractors

(d) General construction and home improvement contractors

Motor vehicle sales and service

Motor vehicle service including body shops, motor vehicle wash or motor vehicle detail shop

Governmental services for Fire and police

Conference Center

Data Processing/Call Center

Office Uses

The following uses shall also be permitted but only South of the zoning dividing line identified on the diagram included below as part of this exhibit (the “Zoning Dividing Line”):

Light Industrial Assembly and Production

Warehouse/Distribution Facility

Wholesale Facility

Public warehouses

Wholesale storage and warehouses

Wholesale sales

Government Facility (non-office)

Truck Stops are expressly excluded uses throughout the Property.

Accessory Uses

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, excluding outdoor storage unless expressly permitted. Permitted accessory uses shall include, but not be limited to:

Parking and Temporary Storage of Trailers (South of the Zoning Dividing Line only)
Outdoor Storage of Machinery or Materials (South of the Zoning Dividing Line only)
Vehicle Maintenance Facilities (South of the Zoning Dividing Line only)
Fueling Facilities (South of the Zoning Dividing Line only)

When a permitted primary use utilizes outdoor storage of machinery or materials, or a similar use, 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.

Diagram Identifying Zoning Dividing Line

[Diagram to be inserted]