

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2023-01**

**AN ORDINANCE APPROVING THE MODIFICATION OF THE PUD CONCEPT
PLAN FOR THE BRIAR CREEK PUD DISTRICT**

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for the modification of the PUD Concept Plan for the Briar Creek PUD District originally approved by Ordinance 2022-07 adopted on August 9, 2022, and originally consisting of approximately 52 acres and now proposed to instead consist of approximately 45.72 acres, located generally south of Whiteland Road and between U.S. Hwy 31 and Maple Street, within the Town of Whiteland (“Town”), which modified property is more specifically depicted and described on attached Exhibit A, incorporated herein, (the “Property”), to provide for the construction of a residential development for detached single family homes with customized development standards described in the Revised and Restated Concept Plan for Briar Creek attached as Exhibit B, incorporated herein (the “Modified PUD Concept Plan”);

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 6 to 0 regarding the requested Modified PUD Concept Plan and has certified the same to the Whiteland Town Council (“Council”);

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

WHEREAS, the modifications 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 this zoning ordinance; and

WHEREAS, the Council desires to approve the Modified PUD Concept Plan.

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

Section 1. The modified description of the Property to be the Briar Creek PUD District and the Modified PUD Concept Plan for the Briar Creek PUD District are hereby approved, and the PUD Concept Plan approved by Ordinance 2022-07 shall be of no effect. The Property shall

be developed in conformance with the Modified PUD Concept Plan and (i) the provisions of this Ordinance and its exhibits, (ii) the provisions of the Zoning Ordinance applicable to the Underlying Zoning District (as defined herein), except to the extent in conflict with the provisions of this Ordinance, and (iii) the provisions of the Town's Zoning Ordinance and Subdivision Control Ordinance, except to the extent in conflict with the provisions of this Ordinance.

Section 2. The underlying Zoning District shall be R-3 Single or Multi-Family Family Residential District (the "Underlying Zoning District").

Section 3. All provisions of Ordinance 2022-07, the Zoning Ordinance, and the Subdivision Control Ordinance that conflict with the provisions of this Ordinance are hereby made inapplicable to the Property and shall be superseded by the terms of this Ordinance. In the event of a conflict between the provisions of the Modified PUD Concept Plan and the text of this Ordinance, the text of this Ordinance shall control.

Section 4. Definitions. Terms not otherwise defined in this Ordinance or the Modified PUD Concept Plan shall have the meanings ascribed to them in the Zoning Ordinance and Subdivision Control Ordinance.

Section 5. The Whiteland Plan Commission is hereby authorized and directed to change the official Zone Map of the Town of Whiteland consistent with this Ordinance.

Section 6. This Ordinance shall have no effect as to changing any other provision of the Whiteland Zoning Ordinance other than the amendment of the official Zone Map.

Section 7. This Ordinance shall be in full force and effect retroactive to the date of adoption of Ordinance 2022-07, and all property previously included within the Briar Creek PUD District under Ordinance 2022-07 but no longer included within the Property described on attached Exhibit A, shall have the zoning district classification of such property immediately prior to the adoption of Ordinance 2022-07, and shall not be subject to Ordinance 2022-07 or the Modified PUD Concept Plan.

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DULY PASSED AND FINALLY ADOPTED on the 15 day of February, 2023, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Sayler, President

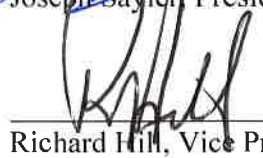
Voting In Favor

Voting Opposed



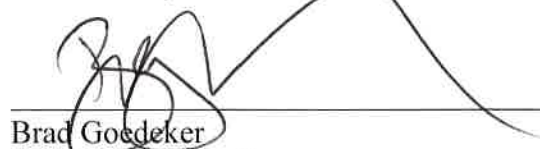
Joseph Sayler, President

Joseph Sayler, President



Richard Hill, Vice President

Richard Hill, Vice President



Brad Goedecker

Brad Goedecker



Laura Fleury

Laura Fleury



David Hawkins

David Hawkins

Attest:



Debra L. Hendrickson, Clerk-Treasurer

EXHIBIT A
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Legal Description of the Property

A PART OF THE NORTH HALF OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN AND A PART OF COMMON AREA 'B' AS SHOWN ON THE PLAT OF , SITUATED IN PLEASANT TOWNSHIP, JOHNSON COUNTY, INDIANA, BEING THAT PARCEL 42.39 ACRE TRACT OF LAND SHOWN ON THE PLAT OF AN ORIGINAL BOUNDARY SURVEY OF SAID TRACT CERTIFIED BY NORMAN H. HISELMAN, PS S0461 ON _____, UNDER WEIHE ENGINEERS, INC. PROJECT NUMBER W220343 (ALL REFERENCES TO MONUMENTS AND COURSES HEREIN SHOWN ON SAID PLAT OF SURVEY) AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT AN IRON PIN FOUND PER COUNTY REFERENCES AT THE NORTHEAST CORNER OF THE WEST HALF OF THE NORTHEAST QUARTER OF SAID SECTION 28; THENCE SOUTH 88 DEGREES 37 MINUTES 19 SECONDS WEST (BASIS OF BEARINGS) ON AND ALONG THE NORTH LINE OF SAID NORTHEAST QUARTER 1324.11 FEET TO THE NORTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE CONTINUING SOUTH 88 DEGREES 37 MINUTES 19 SECONDS WEST ON AND ALONG THE NORTH LINE OF THE NORTHWEST QUARTER OF SAID SECTION 28, A DISTANCE OF 316.60 FEET TO THE NORTHWEST CORNER OF THE LAND OF DAHLIA PROPERTIES, LLC AS DESCRIBED IN INSTRUMENT NUMBER 2006-015449, ON FILE IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA; THENCE SOUTH 00 DEGREES 07 MINUTES 09 SECONDS EAST ON AND ALONG THE WEST LINE THEREOF 413.77 FEET TO THE **POINT OF BEGINNING**; THENCE NORTH 89 DEGREES 32 MINUTES 30 SECONDS EAST 945.72 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS EAST, 1148.65 FEET; THENCE SOUTH 47 DEGREES 19 MINUTES 59 SECONDS EAST 831.15 FEET TO THE CENTERLINE OF BREWER DITCH, THE NEXT FIVE (5) CALLS BEING ALONG SAID CENTERLINE; (1) THENCE SOUTH 42 DEGREES 13 MINUTES 56 SECONDS WEST 77.53 FEET; (2) THENCE SOUTH 45 DEGREES 24 MINUTES 22 SECONDS WEST 82.26 FEET; (3) THENCE SOUTH 43 DEGREES 24 MINUTES 04 SECONDS WEST 88.94 FEET; (4) THENCE SOUTH 18 DEGREES 05 MINUTES 33 SECONDS WEST 107.23 FEET; (5) THENCE SOUTH 22 DEGREES 55 MINUTES 39 SECONDS WEST 81.37 FEET; THENCE NORTH 54 DEGREES 15 MINUTES 06 SECONDS WEST 153.10 FEET ALONG THE NORTH EASTERLY LINE AND EXTENSION THEREOF OF THE LAND DESCRIBED IN BOOK 171, PAGE 222 AS RECORDED IN THE OFFICE OF THE RECORDER FOR JOHNSON COUNTY, INDIANA; THENCE CONTINUING ALONG SAID NORTHEASTERLY LINE NORTH 37 DEGREES 43 MINUTES 06 SECONDS WEST 185.80 FEET; THENCE CONTINUE ALONG SAID NORTHEASTERLY LINE NORTH 67 DEGREES 55 MINUTES 06 SECONDS WEST, 140.80 FEET TO THE NORTHWEST CORNER OF SAID BOOK 171, PAGE 222; THENCE SOUTH 00 DEGREES 06 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID BOOK 171, PAGE 222, 5.78 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NUMBER 2001-015485; THENCE NORTH 83 DEGREES 18 MINUTES 48 SECONDS WEST ALONG THE NORTH LINE OF SAID INSTRUMENT NUMBER 2001-015485, 174.18 FEET TO THE NORTHWEST CORNER OF SAID INSTRUMENT NUMBER 2001-015485; THENCE SOUTH 00 DEGREES 06 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID INSTRUMENT NUMBER 2001-015485, 215.78 FEET TO THE NORTHEAST CORNER OF THE LAND DESCRIBED IN INSTRUMENT NUMBER 2009-01497; THENCE SOUTH 88 DEGREES 43 MINUTES 54 SECONDS WEST ALONG THE NORTH LINE OF SAID INSTRUMENT NUMBER 2009-01497, 150.00 FEET TO THE NORTHWEST CORNER OF SAID INSTRUMENT NUMBER 2009-01497; THENCE SOUTH 00 DEGREES 06 MINUTES 06 SECONDS EAST ALONG THE WEST LINE OF SAID INSTRUMENT NUMBER 2009-01497, 300.00 FEET TO A

POINT ON THE SOUTH LINE OF SAID NORTHEAST QUARTER; THENCE SOUTH 88 DEGREES 43 MINUTES 54 SECONDS WEST ON AND ALONG SAID SOUTH LINE 324.27 FEET TO THE SOUTHWEST CORNER OF SAID NORTHEAST QUARTER; THENCE NORTH 00 DEGREES 01 MINUTES 18 SECONDS EAST ON AND ALONG THE WEST LINE OF SAID NORTHEAST QUARTER 1059.38 FEET TO THE NORTHEAST CORNER OF BRIAR CREEK, SECTION THREE, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 2021-022498 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA; THENCE SOUTH 88 DEGREES 59 MINUTES 36 SECONDS WEST ON AND ALONG THE NORTH LINE OF SAID BRIAR CREEK, SECTION THREE, A DISTANCE OF 178.64 FEET TO THE POINT OF CURVATURE OF A CURVE TO THE LEFT HAVING A RADIUS OF 500.00 FEET AND BEING SUBTENDED BY A LONG CHORD BEARING SOUTH 84 DEGREES 27 MINUTES 22 SECONDS WEST 79.11 FEET; THENCE ALONG SAID CURVE TO THE LEFT THROUGH A CENTRAL ANGLE OF 09 DEGREES 04 MINUTES 28 SECONDS WEST, AN ARC DISTANCE OF 79.19 FEET; THENCE NORTH 61 DEGREES 46 MINUTES 44 SECONDS WEST 84.34 FEET TO A POINT ON THE EASTERN RIGHT OF WAY LINE OF MAPLE STREET AND A POINT ON A NON-TANGENT CURVE TO THE LEFT HAVING A RADIUS OF 225.00 FEET AND BEING SUBTENDED BY A LONG CHORD BEARING NORTH 11 DEGREES 27 MINUTES 34 SECONDS EAST 90.32 FEET; THENCE ALONG SAID CURVE TO THE LEFT AND SAID RIGHT OF WAY THROUGH A CENTRAL ANGLE OF 23 DEGREES 09 MINUTES 29 SECONDS, AN ARC DISTANCE OF 90.94 FEET TO THE POINT OF TANGENCY THEREOF; THENCE CONTINUING ON AND ALONG SAID RIGHT OF WAY NORTH 00 DEGREES 07 MINUTES 09 SECONDS WEST 185.21 FEET TO THE SOUTHEAST CORNER OF BRIAR CREEK, SECTION TWO, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 2019-029679 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA; THENCE CONTINUING NORTH 00 DEGREES 07 MINUTES 09 SECONDS WEST ON AND ALONG THE EAST LINE OF SAID BRIAR CREEK, SECTION TWO, A DISTANCE OF 170.98 FEET TO THE SOUTHEAST CORNER OF BRIAR CREEK, SECTION ONE, THE PLAT OF WHICH IS RECORDED AS INSTRUMENT NUMBER 2019-018852 IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA; THENCE CONTINUING NORTH 00 DEGREES 07 MINUTES 09 SECONDS WEST ON AND ALONG THE EAST LINE OF SAID BRIAR CREEK, SECTION ONE, A DISTANCE OF 750.26 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 30 SECONDS EAST 1.00 FEET TO A POINT ON THE EAST LINE OF THE LAND OF DAHLIA PROPERTIES, LLC AS DESCRIBED IN INSTRUMENT NUMBER 2006-015449, ON FILE IN THE OFFICE OF THE RECORDER OF JOHNSON COUNTY, INDIANA AND THE **POINT OF BEGINNING**, CONTAINING 45.72 ACRES, MORE OR LESS.

EXHIBIT B

Modified PUD Concept Plan

[See attached “Revised and Restated Concept Plan for Briar Creek”]