

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2021-04**

**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
("Bright Farms", 156.39 acres West of I-65 and Graham Road/N. 225 E. and on the South
side of 600 N./Tracy Road)**

WHEREAS, the Whiteland Advisory Plan Commission ("Commission") conducted a public hearing on the petition for rezoning of approximately 156.39 acres located West of I-65 and Graham Road/N. 225 E. and on the South side of 600 N./Tracy 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 to 0 regarding the requested change in the zone map and has certified the same to the Whiteland Town Council ("Council");

WHEREAS, the Commission has considered certain 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.

[Remainder of Page Intentionally Left Blank]

April ADOPTED by the Town Council of the Town of Whiteland, Indiana, on the 13 day of _____, 2021.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL


Joseph Sayler, President

Voting In Favor

Voting Opposed


Joseph Sayler, President

Joseph Sayler, President


Laura Fleury, Vice President

Laura Fleury, Vice President


David Hawkins

David Hawkins


Scot Ford

Scot Ford


Brad Goedeker

Brad Goedeker

Attest:


Debra L. Hendrickson, Clerk-Treasurer

EXHIBIT A
Bright Farms Property
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A part of the north half of the northwest quarter of section 23; and a part of the northeast quarter of the northeast quarter of section 22, all in township 13 north of range 4 east of the second principal meridian, in Johnson County, Indiana bounded and described as follows: to wit: Beginning at the northwest corner of the northwest quarter of section 23, running thence east on the north line thereof, 2012.34 feet; to the northeast corner of the west half of the northeast quarter of the northwest quarter of said section; thence south on the east line of said half quarter section, 1360.92 feet; to the southeast corner thereof; thence west on the south line of the north half of the northwest quarter of Section 23, and the South line of the northeast quarter of the northeast quarter of section 22, 2661.12 feet; to a point 657.36 feet; west of the east line of section 22; thence north and parallel with the said east line 1351.02 feet to the north line, of the northeast quarter of said section 22; thence east on said north line, 657.36 feet; to the place of beginning.

ALSO, a part of the south half of the northeast quarter of section 22, and part of the south half of the northwest quarter of section 23, all in township 13 north, range 4 east; Beginning at the southeast corner of the west half of the southeast quarter of the northwest quarter of section 23; thence north on the east line thereof; 1361.25 feet; thence west and parallel with the south line of the said northwest quarter and the south line of the northeast quarter of section 22, 2661.45 feet; to the west line of the east half of said northeast quarter section; thence south on said line 1351.02 feet; to the south line of said northeast quarter; thence east on said line and the south line of the northwest quarter of section 23, 2653.20 feet; to the place of beginning.

EXCEPTING THEREFROM THE FOLLOWING:

A part of the Northeast quarter of Section 22, Township 13 North, Range 4 east of the Second Principal Meridian, Pleasant Township, Johnson County, Indiana, more particularly described as follows:

Beginning at a point on the North line of said quarter section south 87 degrees 50 minutes 21 seconds West a distance of 104.47 feet from the Northeast corner thereof; thence continuing south 87 degrees 50 minutes 21 seconds West on and along the north line of said quarter section a distance of 555.01 feet; thence south 00 degrees 26 minutes 35 seconds West a distance of 699.57 feet; thence north 89 degrees 49 minutes 43 seconds East a distance of 580.38 feet; thence North 01 degrees 37 minutes 18 seconds West a distance of 719.03 feet to the point of beginning containing 9.241 acres, more or less.

EXHIBIT A
Bright Farms Property
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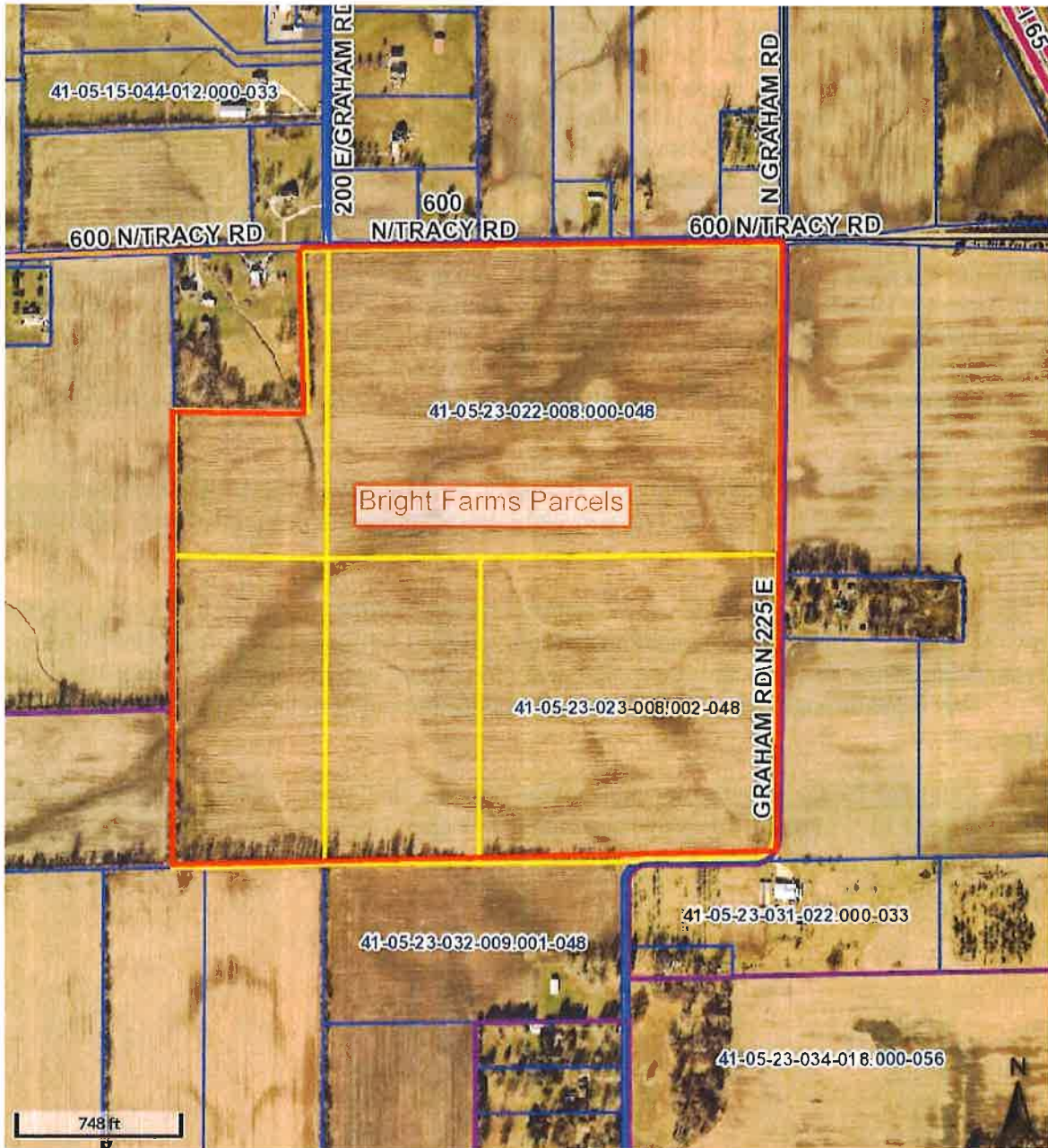


EXHIBIT B
Commitments

1. **Perimeter Buffering:** The north boundary of the Property shall include buffering to include a berm (approximately 12' foot high) and landscaping to reduce the impact of the development of the Property on the surrounding property owners, which buffering, together with a detention/retention pond immediately south of the berm, shall have a combined depth of approximately 150', and otherwise as reasonably required by the Town Staff. The boundary lines adjoining properties to west and northwest of the Property shall include buffering to include a berm (approximately 6' foot high). In addition to any other requirements that may apply or be required, 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 coniferous trees must be planted in the buffer yard for every 30 feet. The slope of a berm must not exceed 3:1 (rise:run), and at least one shrub must be planted on the berm for every 10 feet of berm. Shrubs must be a minimum of 18 inches in height (measured from ground level) at the time of planting. All trees must be a minimum of 5 feet in height (measured from the root ball) at the time of planting. The developer of the Property shall also confer with the property owner of 1883 E. Tracy Rd. and attempt to address his concerns related buffering of such property.

2. **Traffic Study:** If requested by the Town, the developer will cause a traffic impact study ("TIS") to be performed addressing roadway and intersections within or immediately adjacent to the development.

3. **Traffic Redirection:** The owner and/or developer of the Property shall work with the Town to achieve a mutually acceptable solution to address traffic concerns associated with the development of the Property and to promote and direct truck traffic south on Graham Road and off of Tracy Road through the application of sign applications and/or other design alternatives and improvements.

4. **Neighbor Concerns:** The developer of the Property shall work to address certain concerns related to 2521 E. Whiteland Rd. associated with the Cooper Tire development project.