

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2021-09**

**AN ORDINANCE APPROVING MODIFICATION OF ZONING COMMITMENT AND
AMENDMENT OF REZONING ORDINANCE FOR WHITELAND 95 RE PROPERTY
(“Whiteland 95 RE, LLC”, Property West of I-65 and South of Whiteland Rd.)**

WHEREAS, on January 14, 2020, the Whiteland Town Council (“Council”) adopted Ordinance No. 2019-08 (“Rezoning Ordinance”), rezoning approximately 105.022 acres located generally West of I-65 and South of Whiteland Rd., (the “Property”) within the Town of Whiteland (“Town”), from the zoning of AG, Agricultural use to I-1, Industrial use;

WHEREAS, as part of the rezoning, the Rezoning Ordinance divided the Property into two sections in order to differentiate the uses permitted in each section, as detailed in the Rezoning Ordinance and the written commitment from the owner of the Property, Whiteland 95 RE, LLC (“95 RE”), recorded as Instrument No. 2020-005565 (the “Commitment”);

WHEREAS, pursuant to the Rezoning Ordinance and the Commitment, the section of the Property north of the line labeled “Original Line” as depicted on the attached Exhibit A incorporated herein, (referred to in the Rezoning Ordinance as the “Dividing Line”), is subject to more limitations regarding the use of the Property than the section of the Property south of the Original Line;

WHEREAS, because of the Commitment and Rezoning Ordinance restrictions regarding the use of the Property north of the Original Line, 95 RE has found it difficult to develop and sell the Property;

WHEREAS, 95 RE has found interest in the development and sale of the Property if the Commitment is modified and the Rezoning Ordinance amended to allow the more intense uses further north on the Property;

WHEREAS, because of the difficulty in developing and selling the Property, 95 RE has requested a modification to the Commitment and Rezoning Ordinance to move the location of the Dividing Line from the Original Line as depicted on Exhibit A to the line labeled “Proposed Line” as depicted on Exhibit A, which is 1,035 feet south of the centerline of Whiteland Road, and which is approximately 1,254 feet north of the Original Line;

WHEREAS, on June 1, 2021, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing regarding 95 RE’s request to relocate the Dividing Line;

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 7 in favor and 0 against, regarding the proposed modification, and has certified the same to the Whiteland Town Council;

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 modification of the Commitment and amendment of the Rezoning Ordinance; and

WHEREAS, the Council desires to adopt the proposed modification to the Commitment and to amend the Rezoning Ordinance as requested.

NOW, THEREFORE, BE IT ORDAINED by the Town Council of the Town of Whiteland, Indiana, as follows:

Section 1. 95 RE’s request to modify the Commitment to relocate the Dividing Line to 1,035 feet south of the centerline of Whiteland Road as depicted by the Proposed Line on Exhibit A is approved.

Section 2. Ordinance No. 2019-08 is hereby amended to relocate the Dividing Line to 1,035 feet south of the centerline of Whiteland Road as depicted by the Proposed Line on Exhibit A.

Section 3. This Ordinance shall have no effect as to changing any other provision of Ordinance No. 2019-08, other than the relocation of the Dividing Line.

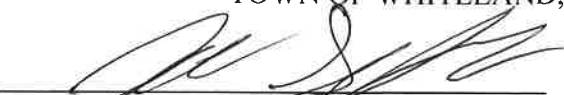
Section 4. This Ordinance shall have no effect as to changing any other provision of the Whiteland Zoning Code.

Section 5. This Ordinance shall be in full force and effect from and after its adoption, but the modification contemplated herein shall not take effect until it is incorporated into a recordable written modification of the Commitment in a form acceptable to the Whiteland Town Attorney, recorded by the Owner or petitioner in the chain of title of the Property, and a copy of the recorded modification of the Commitment is provided to the Town.

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DULY PASSED AND FINALLY ADOPTED on the 10th day of August, 2021, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Joseph Saylor, President

Voting In Favor

Voting Opposed




Joseph Saylor, President

Joseph Saylor, President



Laura Fleury, Vice President

Laura Fleury, Vice President



Brad Goedeker

Brad Goedeker



David Hawkins

David Hawkins



Richard Hill

Attest:



Debra L. Hendrickson, Clerk-Treasurer

EXHIBIT A

