

**WHITELAND TOWN COUNCIL
ORDINANCE NO. 2022-04**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,
REZONING CERTAIN PROPERTY FROM AG (AGRICULTURAL) TO PUD
(PLANNED UNIT DEVELOPMENT) AND APPROVING THE CONCEPT PLAN FOR
THE STILLWATER GLEN PUD**

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 72.16 acres located generally on the west side of Emerson Avenue, north of Tracy Road, having County Parcel No. 41-05-16-014-052.000-056, within the Town of Whiteland (“Town”), 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 this Ordinance and consistent with the concept plan for Stillwater Glen PUD attached as Exhibit B, incorporated herein (the “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 4 to 0 regarding the requested change in the zone map and the proposed 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 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, petitioner has agreed to the commitments attached hereto, and labeled as Exhibit D;

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 proposed amendment of the Zoning Map of the Town of Whiteland and Petitioner’s PUD Concept Plan.

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 Ordinance as incorporated into the Whiteland Municipal Code, is hereby amended to rezone the Property more specifically described and depicted on Exhibit A, from AG (Agricultural) to PUD (Planned Unit Development), to be known as the “Stillwater Glen PUD District” (the “District”), subject to the terms, conditions, descriptions, and restrictions provided in this Ordinance and consistent with the PUD Concept Plan incorporated herein as Exhibit B, and subject to the commitments stated in Exhibit D, 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 PUD Concept Plan is hereby approved, and the Property shall be developed in conformance with the 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 3. The underlying Zoning District shall be R-3 (Single- or Multi-Family Family Residential District) (the “Underlying Zoning District”).

Section 4. All provisions of the Zoning Ordinance and 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 PUD Concept Plan and the text of this Ordinance, the text of this Ordinance shall control.

Section 5. **Definitions.** Terms not otherwise defined in this Ordinance shall have the meanings ascribed to them in the Zoning Ordinance and Subdivision Control Ordinance.

Section 6. **Permitted Uses.** The permitted uses for the Property are described below, and all uses not listed below shall be prohibited.

- a. Single-Family Dwellings, and
- b. All accessory uses and temporary uses in the Underlying Zoning District shall be permitted unless otherwise prohibited in this Ordinance.

Section 7. **Stillwater Glen Development Standards.** The detached single-family homes shall have a minimum lot size of 7,500 Square Feet and a minimum lot width of 65 feet. The number of individual residential platted Lots shall not exceed 202, which represents an overall maximum density of approximately 2.81 units per acre.

- a. Exterior Materials: A minimum 50% of the front elevation area, excluding doors, windows, and trim, shall have an exterior finish consisting of brick or stone. A minimum 36" wainscot of brick or stone shall be applied to side and rear elevations.
- b. Siding: Siding material shall be fiber cement, or other similar masonry or composite product. Vinyl siding, no less than 0.045 mm in thickness, may be used in lieu of fiber cement material.
- c. Minimum Lot Width: The minimum lot width at the building line shall be sixty-five (65') feet.
- d. Front Setback: The minimum Front Yard Building Setback shall be randomly set and vary by four (4') feet in two (2') increments (22', 24', and 26' setbacks) along all street segments of the District so that adjacent lots do not have the same front yard setback. The random Front Yard Building Setbacks shall be shown on the Primary and Secondary Plat.
- e. Side Setback: The minimum Side Yard Building Setback shall be seven (7') feet with a minimum aggregate distance of twenty (20') feet between structures.
- f. Rear Setback: The minimum Rear Yard Building Setback shall be twenty-five (25') feet.
- g. Minimum House Size: The minimum house size shall be 1,210 square feet.
- h. Floor Plans and Elevations: Character exhibits, attached hereto as **Exhibit C. Elevations**, are incorporated as a compilation of images designed to capture the intended quality of structures to be constructed in the District. Although the exhibits do not necessarily represent final design or specify a required architectural style or element, they do hereby establish a benchmark for the quality and appearance of structures that are required to be constructed and that contribute to the District's intent and vision. It is not the intent to limit the architectural styles shown in Exhibit C, but to encourage diversity in architectural styles of Dwellings within the District.
- i. Playground: The District shall include a playground Amenity Area consistent with Amenity Area depicted on the PUD Concept Plan.

Section 8. Traffic Study. Upon the adoption of this Ordinance, the Town's consideration of a PUD Master Plan, Primary Plat, Secondary Plat, and/or Development Plan application for the Property shall be subject to a traffic impact analysis first being obtained and report provided to the Town that includes without limitation, average daily and peak hour estimates and recommended public right-of-way improvements, to be conducted and issued by a traffic engineer or other similarly qualified professional, and to be obtained by and at the expense of the developer of the Property.

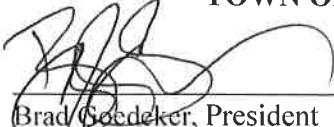
Section 9. The Whiteland Plan Commission is hereby authorized to make the above described change to the official Zone Map of the Town of Whiteland, once the Commitment has been recorded in the chain of title of the Property.

Section 10. 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 11. 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.

DULY PASSED AND FINALLY ADOPTED on the 24 day of March, 2022, by a vote of 5 in favor and 0 against.


TOWN OF WHITELAND, INDIANA, TOWN COUNCIL



Brad Goedecker, President

Voting In Favor

Voting Opposed



Brad Goedecker, President

Brad Goedecker, President



Richard Hill, Vice President

Richard Hill, Vice President



Laura Fleury

Laura Fleury



David Hawkins

David Hawkins



Joseph Sayler

Joseph Sayler

Attest:



Debra L. Hendrickson, Clerk-Treasurer

EXHIBIT A
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Depiction of the Property



EXHIBIT A

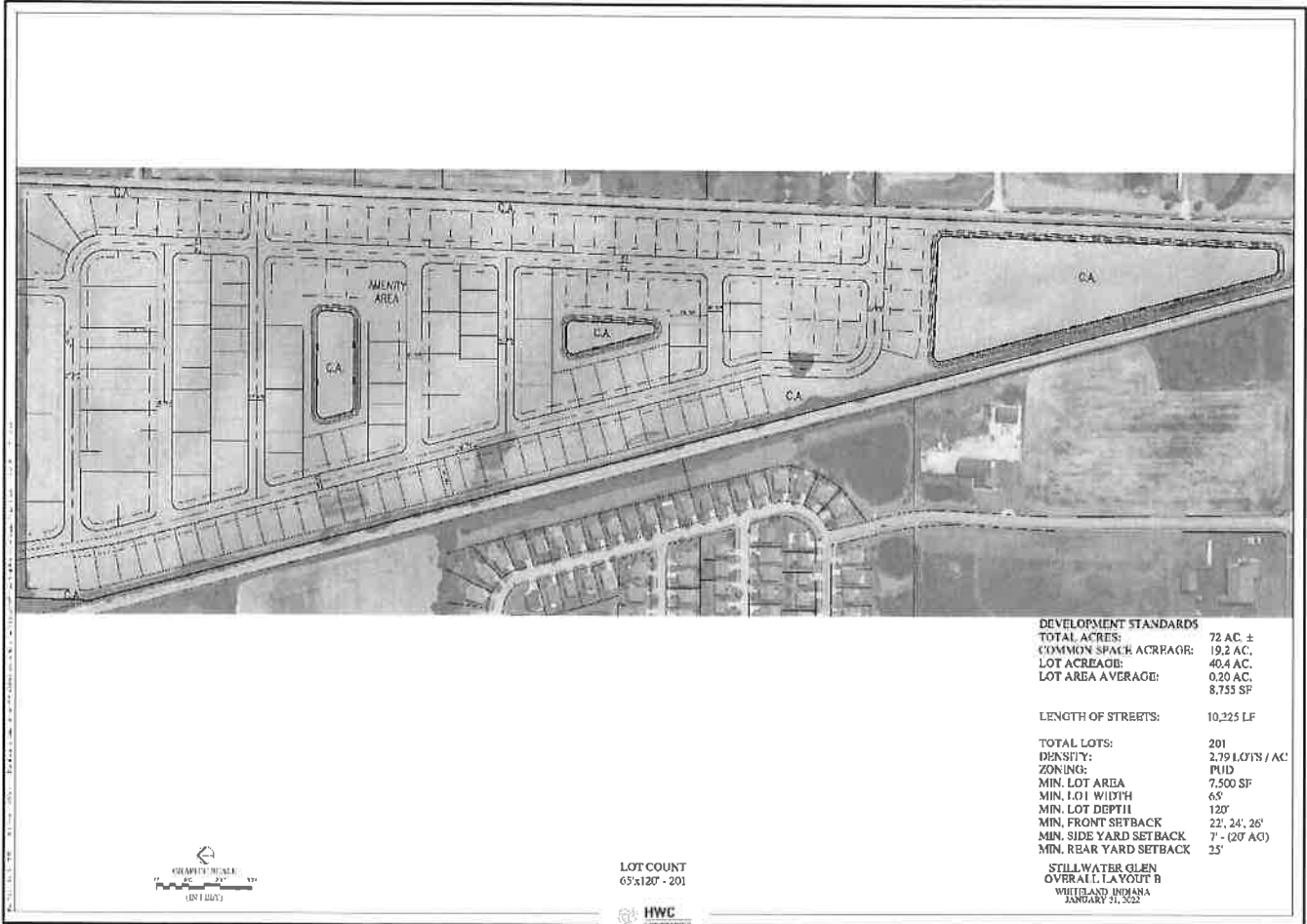
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Legal Description of the Property

Part of the Southeast Quarter of the Northeast Quarter and part of the East half of the Southeast Quarter, of Section Sixteen (16), Township Thirteen (13) North, Range Four (4) East of the second principal meridian, described as follows:

Beginning at the Southeast corner of said Section, thence North on the East line thereof, two hundred thirty-eight (238) rods, more or less, to the Northeast corner of the Southeast quarter of the Northeast quarter of said section; thence West, eighty (80) rods, more or less, to the Northwest corner of said quarter quarter section; thence South on the West line thereof, fourteen (14) rods, to the Easterly right-of-way of the Pittsburgh, Cincinnati, Chicago and St. Louis Railway Company; thence in a Southeasterly direction with said right-of-way to a point on the South line of said section, fourteen (14) rods West of the Southeast corner thereof, thence East on said South line, Fourteen rods, to the place of beginning, containing seventy-two and one-sixth ($72 \frac{1}{6}$) acres, more or less.

EXHIBIT B
PUD Concept Plan



| | |
|---|----------------------|
| DEVELOPMENT STANDARDS | |
| TOTAL ACRES: | 72 AC. ± |
| COMMON SPACE ACREAGE: | 19.2 AC. |
| LOT ACREAGE: | 40.4 AC. |
| LOT AREA AVERAGE: | 0.20 AC. 8,733 SF |
| | |
| LENGTH OF STREETS: | 10,225 LF |
| | |
| TOTAL LOTS: | 201 |
| DENSITY: | 2.79 LOTS / AC. |
| ZONING: | PUD |
| MIN. LOT AREA | 7,500 SF |
| MIN. LOT WIDTH | 65' |
| MIN. LOT DEPTH | 120' |
| MIN. FRONT SETBACK | 22', 24', 26' |
| MIN. SIDE YARD SETBACK | 7' - (20' AC) |
| MIN. REAR YARD SETBACK | 25' |
| | |
| STILLWATER GLEN OVERALL LAYOUT B WHITLAND INDIANA JANUARY 31, 2022 | |



LOT COUNT
65x120' - 201



EXHIBIT C

Elevations



The Ashton
1,356 - 1,578 square feet
3 Beds, 2 Baths



The Mulberry
1,967 - 2,524 square feet
3 - 4 Beds, 2.5 - 3 Baths



The Norway
2,961 - 3,280 square feet
3 - 5 Beds, 2 - 4 Baths



The Bradford
1,611 - 1,864 square feet
3 - 4 Beds, 2 Baths



The Aspen
2,128 - 2,411 square feet
3 - 5 Beds, 2.5 Baths



The Spruce
2,343 - 2,652 square feet
3 - 5 Beds, 2.5 - 3 Baths



The Chestnut
1,801 - 2,605 square feet
3 - 4 Beds, 2 - 3 Baths



The Cooper
2,800 - 3,220 square feet
4 - 6 Beds, 2 - 3 Baths



The Empress
3,200 square feet
4 - 6 Beds, 2.5 - 4 Baths

EXHIBIT D
Commitments

[See the following Page(s)]



March 8, 2022

Town of Whiteland
549 Main Street
Whiteland, IN 46184

RE: Commitments Regarding Ordinance 2022-04

Whiteland Town Council,

Arbor Homes would like to submit the following commitments as a part of Ordinance 2022-04, Stillwater Glen PUD.

1. Subject to the approval of the Stillwater Glen Development, the Developer commits to constructing adequate wastewater infrastructure to reasonably accommodate wastewater from the land that is East of Emerson Avenue and West of East Grassy Creek, provided said land is located within the corporate boundary of the Town of Whiteland. These public utilities shall be publicly accessible and construction of this infrastructure shall occur at the time the land associated with the Stillwater Glen PUD is developed. Should the Stillwater Glen Development be approved and prior to construction of the first phase, the Town of Whiteland hereby agrees to enter into a SAF Credit Agreement with the Developer to reimburse the Developer for any wastewater infrastructure improvement costs associated with this commitment that are beyond what is minimally required to service the Stillwater Glen Development.
2. Subject to the approval of the Stillwater Glen Development, the Developer commits to constructing infrastructure to provide reasonable public water access along the Development frontage for land that is East of Emerson Avenue and West of East Grassy Creek, provided said land is located within the corporate boundary of the Town of Whiteland. These public utilities shall be publicly accessible and construction of this infrastructure shall occur at the time the land associated with the Stillwater Glen PUD is developed. Design of this infrastructure shall be determined during platting and subject to Plan Commission approval.
3. The Developer shall provide amenity areas totaling a minimum of one acre in size. Within this area a combination of a playground, shelter, recreational trail, landscaped open space, or similar feature approved by Whiteland Plan Commission shall be provided.
4. Should development of Stillwater Glen occur, the Developer shall be responsible for constructing public right-of-way improvements, as recommended by the traffic study, along the property frontage at the time the property is developed.

Sincerely,

Charles Russell

Charles Russell
Land Entitlement Manager, Arbor Homes