

**WHITELAND TOWN COUNCIL  
ORDINANCE NO. 2022-07**

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,  
REZONING CERTAIN PROPERTY FROM R-1 (SINGLE-FAMILY RESIDENTIAL)  
AND C-2 (COMMERCIAL) TO PUD (PLANNED UNIT DEVELOPMENT) AND  
APPROVING THE CONCEPT PLAN FOR THE  
BRIAR CREEK RESIDENTIAL PUD**

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 52 acres located generally south of Whiteland Road and between U.S. Hwy 31 and Maple Street, 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 the Concept Plan for Briar Creek 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 6 to 1 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, 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 the proposed 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 R-1 (Single-Family Residential) and C-2 (Commercial) to PUD (Planned Unit Development), to be known as the “Briar Creek PUD District” (the “District”), subject to the terms, conditions, descriptions, and restrictions provided in the PUD Concept Plan incorporated herein as Exhibit B.

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 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 or the PUD Concept Plan shall have the meanings ascribed to them in the Zoning Ordinance and Subdivision Control Ordinance.

Section 6. The Whiteland Plan Commission is hereby authorized to make the above described change to the official Zone Map of the Town of Whiteland.

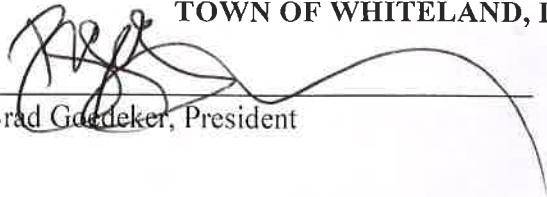
Section 7. This Ordinance shall have no effect as to changing any other provision of the Whiteland Zoning Ordinance other than the amendment of the official Zone Map

Section 8. This Ordinance shall be in full force and effect from and after its adoption.

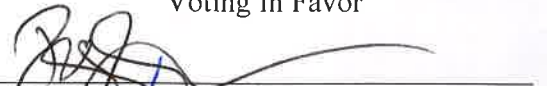
[Remainder of page intentionally left blank.]


DULY PASSED AND FINALLY ADOPTED on the 9 day of August, 2022, by a vote of 5 in favor and 0 against.

**TOWN OF WHITELAND, INDIANA, TOWN COUNCIL**

  
\_\_\_\_\_  
Brad Goedecker, President

Voting In Favor


  
\_\_\_\_\_  
Brad Goedecker, President


  
\_\_\_\_\_  
Richard Hill, Vice President

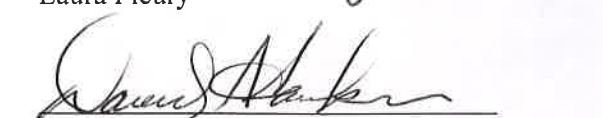
Voting Opposed

\_\_\_\_\_  
Brad Goedecker, President

\_\_\_\_\_  
Richard Hill, Vice President

  
\_\_\_\_\_  
Joseph Sayler

  
\_\_\_\_\_  
Laura Fleury


  
\_\_\_\_\_  
David Hawkins

\_\_\_\_\_  
Joseph Sayler

\_\_\_\_\_  
Laura Fleury

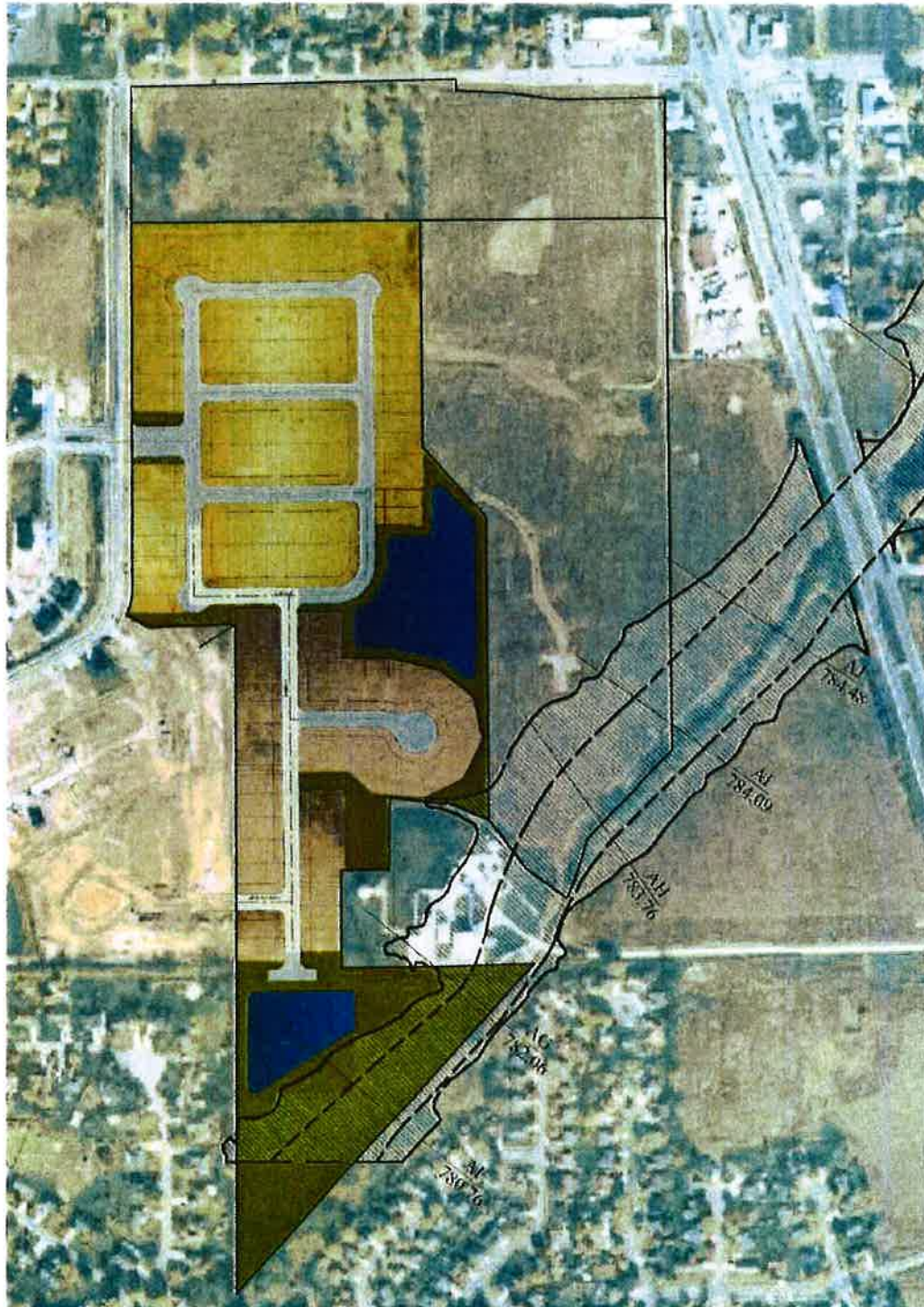
\_\_\_\_\_  
David Hawkins

Attest:

  
\_\_\_\_\_  
Debra L. Hendrickson, Clerk-Treasurer

**EXHIBIT A**  
(Page 1 of 2)

**Depiction of the Property (with Concept Site Plan)**



CONCEPT PLAN  
FOR  
BRIAR CREEK

Planned Unit Development  
Whiteland, IN

Developer:  
Briar Creek Development, LLC  
6330 East 75<sup>th</sup> Street, Suite 156  
Indianapolis, IN 46250

# Table of Contents

	<u>Page</u>
I. Overview of Proposed Development	3
II. General Project Development Standards	4
III. Briar Creek North Development and Architectural Standards	5
IV. Briar Creek South Development and Architectural Standards	7

Exhibit "A" – Legal Description

Exhibit "B" – Concept Plan

Exhibit "C" – Renderings of Proposed Detached Single-Family Homes

# Overview of Proposed Development

## **General Location and Surrounding Properties**

The proposed Briar Creek development is generally located south of Whiteland Road and between US 31 and Maple Street in Whiteland, Indiana. There is a mix of residential, commercial and agricultural zoning districts surrounding the site. Primary access to the Briar Creek development will be obtained via Maple Street for the north section and Bohicket Road for the south section of the development. This development is meant to be an addition to the current Briar Creek development.

## **Conceptual Planning**

The Briar Creek development is situated on approximately 52 acres and is currently zoned C2. The property is currently used for agricultural purposes. The Whiteland Comprehensive Plan recommends “Mixed PUD”. The proposed Briar Creek development aims to provide a single-family residential development with a significant amount of public park land (stocked pond, dock, additional grading for future used) on unused ground currently owned by Whiteland that finds a balance between the Comprehensive Plan recommendation and the needs of the surrounding area.

# General Project Development Standards

1. **Density**. There shall be no more than 120 Lots in the development or a maximum gross density of approximately 2.33.
2. **Areas**. There shall be the following Areas within the development:
  - a. **North Single-Family Residential Area** (“Briar Creek North”) shall consist of detached single-family dwellings consisting of one-story villa homes on individual lots. There shall be approximately 83 lots with a minimum size of 6,760 square feet.
  - b. **South Single-Family Residential Area** (“Briar Creek South”) shall consist of detached single-family dwellings consisting of primarily two-story homes on individual lots as a continuation of the Briar Creek Estates subdivision to the west. There shall be approximately 37 lots with a minimum size of 9,800 square feet.
3. **Minimum Open Space**. The minimum amount of permanent open space south of Whiteland Road shall be approximately 17.14 acres or approximately 33% of the total land area. Common Area E as indicated on the Concept Plan is property owned by the Town of Whiteland. Developer will work with Town staff on an amenity plan for the Town including a stocked pond with a dock for fishing and additional funding for future additions to the park area.



# Briar Creek North

## Single Family Lifestyle Villas

### Development and Architectural Standards

I. **District Intent**

The purpose of Briar Creek North is to permit up to eighty-three (83) detached single family dwellings designed as one-story and two-story homes on individual deeded lots having underground utilities, centralized water and centralized sewer facilities.

II. **Permitted Uses and Underlying Zoning District**

All uses permitted in the R-1, R-2 and R-3 zoning districts set forth in Chapter 156 of the Town of Whiteland Code of Ordinances. The underlying zoning district for this area shall be the R-3 Single-Family Residential District. If any standard is not identified as part of this zoning text, the R-3 standards shall apply.

III. **Development Standards**

Maximum Dwelling Units	83
Minimum Lot Area	6,760
Minimum Lot Width	55'
Minimum Lot Depth	130'
Minimum Living Area (sq. ft.)	1,150
Maximum Lot Coverage	43%
Maximum Building Height	35'
Minimum Front Yard Building Setback	30'
Minimum Distance Between Buildings	12'
Minimum Side Yard Setback	6'
Minimum Rear Yard Setback	20'

IV. **Homeowners' Association/Covenants**

The maintenance and upkeep of the Common Areas including detention ponds, open space, and amenities within Briar Creek North shall be the

responsibility of the current Briar Creek HOA. The Covenants shall be recorded prior to final plat approval for Briar Creek North and shall apply to all real estate within Briar Creek North.

V. **Architectural Standards**

Briar Creek North will consist of one-story homes on individual lots. One-story dwellings will have a minimum livable square footage of 1,150 square feet.

**Other Standards**

- All single-family homes constructed within Briar Creek North shall have a minimum of 75% brick, stone or masonry exterior on the front elevation, exclusive of doors, windows, trim and areas above a roof.
- All homes must have roof overhangs with a minimum depth of 8”
- The main roof of all homes shall have a minimum roof pitch of 6” / 12”
- All homes shall have dimensional shingles
- All homes shall have two Dusk to Dawn Coach Lights
- All homes shall have concrete driveways

VI. **Streets and Parking**

The streets within Briar Creek North shall be public streets and built to the standards of the Town of Whiteland. Each dwelling shall have an attached 2-car garage, at minimum, and private driveway which will provide a minimum of four (4) off-street parking spaces per dwelling.

VII. **Signage**

Signage within Briar Creek North, including neighborhood entrance identification signage, directional signage, and any amenity area signage shall be subject to the approval of the Planning Director of the Town of Whiteland.

VIII. **Landscaping**

The Landscape buffers and/or ponds shall be substantially in compliance with Exhibit B and subject to the approval of the Planning Director of the Town of Whiteland.

VIII. **Anti-Monotony**

Anti-monotony clause will be included to ensure that identical houses are not build side-to-side or across from one another.

# Briar Creek South

## Development and Architectural Standards

I. **District Intent**

The purpose of Briar Creek South is to permit up to thirty-seven (37) detached single family dwellings designed as one-story homes on individual deeded lots having underground utilities, centralized water and centralized sewer facilities.

II. **Permitted Uses and Underlying Zoning District**

All uses permitted in the R-1, R-2 and R-3 zoning districts set forth in Chapter 156 of the Town of Whiteland Code of Ordinances. The underlying zoning district for this area shall be the R-3 Single-Family Residential District. If any standard is not identified as part of this zoning text, the R-3 standards shall apply.

III. **Development Standards**

Maximum Dwelling Units	37
Minimum Lot Area	9,800
Minimum Lot Width	70'
Minimum Lot Depth	140'
Minimum Living Area (sq. ft.)	1,800
Maximum Lot Coverage	39%
Maximum Building Height	35'
Minimum Front Yard Building Setback	30'
Minimum Distance Between Buildings	15'
Minimum Side Yard Setback	7.5'
Minimum Rear Yard Setback	25'

IV. **Homeowners' Association/Covenants**

The maintenance and upkeep of the Common Areas including detention ponds, open space, and amenities within Briar Creek South shall be the responsibility of the current Briar Creek HOA. The Covenants shall be recorded prior to final plat approval for Briar Creek South and shall apply to all real estate within Briar Creek South.

V. **Architectural Standards**

Briar Creek South will consist of one-story and two-story homes on individual lots. One-story dwellings will have a minimum livable square footage of 1,800 square feet. Two-story dwellings will have a minimum livable square footage of 1,800 square feet with a minimum of 800 square feet on the ground floor. All dwellings will contain attached 2-car garages. Three car garages shall be available as an option on certain lots.

**Other Standards**

- All single-family homes constructed within Briar Creek South shall have a minimum of 75% brick, stone or masonry exterior on the front elevation, exclusive of doors, windows, trim and areas above a roof.
- All homes must have roof overhangs with a minimum depth of 8”
- The main roof of all homes shall have a minimum roof pitch of 6” / 12”
- All homes shall have dimensional shingles
- All homes shall have two Dusk to Dawn Coach Lights
- All homes shall have concrete driveways
- External chimneys must extend fully from grade to above the eaves and be constructed of masonry. Shed type and bump out chimneys are prohibited.

VI. **Streets and Parking**

The streets within Briar Creek South shall be public streets and built to the standards of the Town of Whiteland. Each dwelling shall have an attached 2-car garage, at minimum, and private driveway which will provide a minimum of four (4) off-street parking spaces per dwelling.

VII. **Signage**

Signage within Briar Creek South, including neighborhood entrance identification signage, directional signage, and any amenity area signage shall be subject to the approval of the Planning Director of the Town of Whiteland.

VIII. **Landscaping**

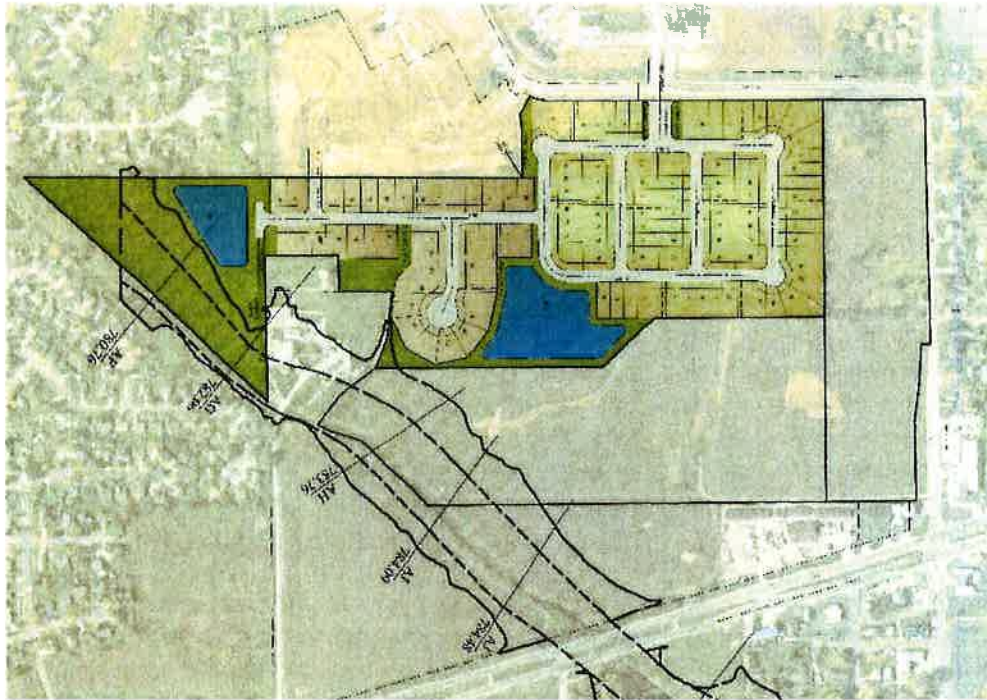
The Landscape buffers and/or ponds shall be substantially in compliance with Exhibit B and subject to the approval of the Planning Director of the Town of Whiteland.

# Exhibit "A"

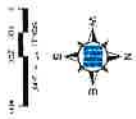
PART OF SECTION 28, TOWNSHIP 13 NORTH, RANGE 4 EAST OF THE SECOND PRINCIPAL MERIDIAN, JOHNSON COUNTY, INDIANA, DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHWEST CORNER OF THE NORTHEAST QUARTER OF SECTION 26, TOWNSHIP 13 NORTH, RANGE 4 EAST; THENCE NORTH 00 DEGREES 01 MINUTE 18 SECONDS EAST ALONG THE WEST LINE OF SAID QUARTER, 1059.34 FEET TO A NORTHEASTERN CORNER OF BRIAR CREEK SECTION 3 AS PER THE PLAT RECORDING AS INSTRUMENT NUMBER 2021-022498 RECORDED IN THE OFFICE OF THE RECORDER FOR JOHNSON COUNTY, INDIANA; THENCE SOUTH 88 DEGREES 59 MINUTES 36 SECONDS WEST, 178.64 FEET TO A CURVE WITH A RADIUS OF 500.00 FEET; THENCE WESTERLY ALONG SAID CURVE 79.19 FEET TO THE LEFT, WITH A CHORD BEARING OF SOUTH 84 DEGREES 27 MINUTES 22 SECONDS WEST, 79.11 FEET; THENCE NORTH 60 DEGREES 41 MINUTES 48 SECONDS WEST 84.51 FEET TO A NON-TANGENT CURVE WITH A RADIUS OF 225.00 FEET ALSO BEING THE EAST LINE OF BRIAR CREEK SECTION 2 AS PER THE PLAT RECORDING AS INSTRUMENT NUMBER 2019-029679 RECORDED IN THE OFFICE OF THE RECORDER FOR JOHNSON COUNTY, INDIANA; THENCE ALONG SAID CURVE 89.34 FEET TO THE LEFT, WITH A CHORD BEARING NORTH 11 DEGREES 15 MINUTES 22 SECONDS EAST, 88.76 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 09 SECONDS WEST ALONG THE EAST LINE OF SAID BRIAR CREEK SECTION 2, 1106.45 FEET; THENCE NORTH 89 DEGREES 32 MINUTES 30 SECONDS EAST, 888.72 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS EAST, 687.27 FEET; THENCE SOUTH 41 DEGREES 43 MINUTES 18 SECONDS EAST, 288.71 FEET; THENCE SOUTH 00 DEGREES 27 MINUTES 30 SECONDS EAST, 411.48 FEET; THENCE SOUTH 00 DEGREES 17 MINUTES 56 SECONDS EAST, 517.48 FEET TO THE NORTH LINE OF THE LAND DESCRIBED IN BOOK 171, PAGE 222 AS RECORDED IN THE OFFICE OF THE RECORDER FOR JOHNSON COUNTY, INDIANA; THENCE ALONG SAID NORTH 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 THE SOUTH LINE OF SAID QUARTER SECTION; THENCE NORTH 88 DEGREES 43 MINUTES 55 SECONDS EAST ALONG SAID SOUTH QUARTER SECTION LINE, 589.68 FEET TO THE SOUTHEAST CORNER OF SAID BOOK 171, PAGE 222; THENCE SOUTH 42 DEGREES 30 MINUTES 49 SECONDS WEST, 1351.72 FEET TO THE WEST LINE OF THE SOUTHEAST QUARTER OF SAID SECTION; THENCE NORTH 00 DEGREES 01 MINUTE 00 SECONDS WEST ALONG THE WEST LINE OF SAID QUARTER SECTION, 976.15 FEET, CONTAINING 51.592 ACRES, MORE OR LESS.

# Exhibit "B" Concept Plan



SITE DATA	
Project Name	2022
Project Location	2022
Project Description	2022
Project Status	2022
Project Start Date	2022
Project End Date	2022
Project Manager	2022
Project Team	2022
Project Budget	2022
Project Risk	2022
Project Compliance	2022
Project Reporting	2022
Project Contact	2022
Project Website	2022
Project Social Media	2022
Project Newsletters	2022
Project Events	2022
Project Partners	2022
Project Sponsors	2022
Project Advisors	2022
Project Stakeholders	2022
Project Beneficiaries	2022
Project Opponents	2022
Project Allies	2022
Project Neighbors	2022
Project Community	2022
Project Region	2022
Project Nation	2022
Project World	2022



**CONCEPTUAL  
LAND PLAN "F"**  
July 18, 2022

**818**  
DAHILA PROPERTY  
GRANDER, SMOKE, JULIA  
WHITELAND, JOHNSON COUNTY, INDIANA

DAHILA PROPERTY

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Indianapolis, Indiana 46250  
www.weihe.com  
317.345.1111  
317.345.1112  
317.345.1113

Exhibit “C”  
Briar Creek North  
Renderings of Proposed  
Detached Single-Family Homes









Exhibit "C"  
Briar Creek South  
Renderings of Proposed  
Detached Single-Family Homes





