

Town of Whiteland Advisory Plan Commission
June 1, 2021

PETITIONER:
Whiteland 95 RE LLC

REQUEST:
Case 21-Z-06 - The petitioner is requesting to move a delineation line between Industrial and Commercial uses that was a part of the original rezoning request further north.

PROPOSAL:
The proposal is to move this line north approximately 1,250 feet +/- to create more industrial space.

SITE:
The subject property is located west of I-65, east of Graham Rd and south of Whiteland Road. The property is currently vacant and undeveloped.



HISTORY:
This property was rezoned January 14, 2020 and as part of the rezoning, commitments were made that included a proposed line separating the industrial portion from the commercial portion.

REVIEW STANDARDS: N/A

COMPREHENSIVE PLAN & ZONING REVIEW: N/A

COMMENTS AND FINDINGS:

1. The requested zoning change is consistent with the Comprehensive Plan because:
This is just a modification to commitments made on an already approved rezoning request.
2. The current conditions and character of current structures and uses in each district.
This is just a modification to commitments made on an already approved rezoning request.

3. The most desirable use for which the land in each district is adapted.
This is just a modification to commitments made on an already approved rezoning request.
4. The conservation of property values throughout the Plan Commissions jurisdiction.
This is just a modification to commitments made on an already approved rezoning request.
5. Responsible growth and development.
This is just a modification to commitments made on an already approved rezoning request.

PUBLIC HEARING:

The petitioner has provided public notice in accordance with Municipal Code and Indiana State Code, including mailings to adjoining property owners supplied by the Town, advertisement in the Johnson County Daily Journal.

PLAN COMMISSION ACTION

The Town of Whiteland Advisory Plan Commission, when considering a petition for a Zoning amendments acts as an advisory board to the Whiteland Town Council. In such a role the commission may (1) forward a favorable recommendation to the Town Council, (2) forward an un-favorable recommendation to the Town Council, (3) forward no recommendation to the Town Council, or (4) continue the petition to the next regular meeting of the Plan Commission. The Plan Commission may attach conditions to any recommendations which are to become commitments of the application. The Whiteland Town Council makes all final decisions regarding applications for zoning map amendments (re-zoning applications) and related commitments.

NEXT STEPS:

If the Plan Commission forwards a recommendation to the Town Council, the petition will be introduced and appropriate approval will be at the next regularly scheduled meeting of the Council. (Next scheduled meeting on June 8, 2021).

STAFF'S RECOMMENDED MOTION:

Staff recommends that **the proposed commitment modification be given a favorable recommendation to the Town Council.** If after considering the petition, the Commission agrees with the position of staff, the following motion would be appropriate:

"I move to provide a favorable recommendation to the Town Council for the requested modification of the Commitment contained in rezoning Ordinance 2019-08 dated January 14, 2020, to move the delineation line separating the commercial use from the industrial use north approximately 1,250 feet."

WHITELAND TOWN COUNCIL

ORDINANCE NO. 2019-08

**AN ORDINANCE AMENDING THE ZONE MAP OF THE TOWN OF WHITELAND,
REZONING CERTAIN PROPERTY TO I-1 (INDUSTRIAL) WITH RESTRICTIONS
AND COMMITMENTS**

(“Whiteland 95 RE, LLC”, 105.022 acres West of I-65 and South of Whiteland Rd.)

WHEREAS, the Whiteland Advisory Plan Commission (“Commission”) conducted a public hearing on the petition for rezoning of approximately 105.022 acres located generally West of I-65 and South of Whiteland Rd., within the Town of Whiteland (“Town”), more specifically described in the 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 in favor and 0 against, regarding the change in the zone map, and has certified the same to the Whiteland Town Council;

WHEREAS, the Commission has considered a number of voluntary commitments to be applied to the zoning classification which are attached hereto, and labeled as Exhibit “B”;

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 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 Zone 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.

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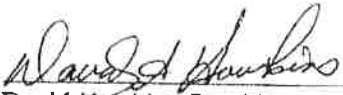
PASSED through first reading by the Town Council on the 10th day of December, 2019, by a vote of 5 in favor and 0 against.

January, 2020, DULY PASSED AND FINALLY ADOPTED on second reading on the 14 day of 2020, by a vote of 5 in favor and 0 against.

TOWN OF WHITELAND, INDIANA, TOWN COUNCIL

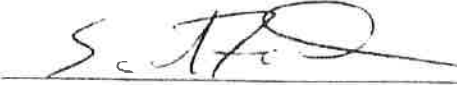
Voting In Favor

Voting Opposed



David Hawkins, President

David Hawkins, President



Scot Ford, Vice President

Scot Ford, Vice President




Brad Goedecker

Brad Goedecker



Joseph Sayler


Joseph Sayler



Laura Fleury

Laura Fleury

Attest:



Debra L. Hendrickson, Clerk-Treasurer

Diagram Identifying Dividing Line

