

**ORDINANCE NO. 2020-28**

**AN ORDINANCE AMENDING ZONING MAPS WITHIN THE ZONING ORDINANCE  
OF THE TOWN OF WHITESTOWN, INDIANA**

Zoning Map Amendments  
PC20-034-ZA

WHEREAS, the Petitioner, Strategic Capital Partners, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 81.01 acres, more or less, in the Town of Whitestown, Indiana, **from the PUD- Anson Zoning Classification to the I1 (Light Industry) Zoning Classification**; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 7-0 vote, on September 14, 2020; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on October 7, 2020; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Town Council of the Town of Whitestown, having considered the application and the recommendation of the Whitestown Plan Commission, and the commitments of the Petitioner, now adopts the proposal and approves the requested rezoning amendment under the terms and conditions set forth herein.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

- Section 1.** That the Applicant is Strategic Capital Partners on behalf of Karen K Padgett, Trustee of the Karen K Padgett Revocable Trust, Charles E & Donna L Padgett, and Patrick C & Vicki L Keller, property owners.
- Section 2.** That the Applicant seeks to have the property described in Exhibit A, attached hereto and incorporated herein by reference (“Property”), which is currently located in the PUD-Anson Zoning Classification, rezoned to the I1 (Light Industry) Zoning Classification.
- Section 3.** In order to induce the Town Council and as a condition of granting the requested rezone of the Property, the Applicant has made certain written commitments attached hereto as Exhibit B and incorporated herein as a part of this Ordinance (“Commitments”). The rezone is subject to and contingent upon the Commitments. The Applicant shall further record this Ordinance and the Commitments in the chain of title for the Property.

**Section 4.** That the Town Council of Whitestown has paid reasonable regard to the comprehensive plan; current conditions and the character of current structures and uses in each district; the most desirable use for which the land in each district is adapted; the conservation of property values throughout the jurisdiction; and responsible development and growth.

**Section 5.** That the Town Council hereby adopts the amendment to the zoning map with respect to the Property, such that the Property is rezoned to the I1 (Light Industry) Zoning Classification subject to the Commitments.

**Section 6.** This Ordinance shall be in full force and effect from and after its passage and upon presentation of proof by Applicant to the Town that this Ordinance and the Commitments have been recorded.

ALL OF WHICH IS ADOPTED this \_\_\_\_ day of \_\_\_\_\_, 2020, by the Town Council of the Town of Whitestown, Indiana, by a vote of \_\_\_\_ in favor and \_\_\_\_ against.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

\_\_\_\_\_  
Clinton Bohm, President

ATTEST:

\_\_\_\_\_  
Matt Sumner, Town Clerk-Treasurer

*Ordinance prepared by Brittany Garriott, Town Planner*

# Exhibit A

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## Legal Description

### 65 Commerce Park- Phase 3 North

The Southwest Quarter of the Southeast Quarter of Section 25, Township 18 North, Range 1 East, Boone County, Indiana, being described as follows:

Beginning at the Southwest corner of said Quarter Quarter Section; thence North 01 degrees 04 minutes 04 seconds West along the West line thereof a distance of 1326.16 feet; thence North 88 degrees 59 minutes 15 seconds East along the North line thereof a distance of 1336.63 feet; thence South 01 degrees 15 minutes 37 seconds East along the East line thereof a distance of 1322.76 feet; thence South 88 degrees 50 minutes 31 seconds West along the South line thereof a distance of 1341.08 feet to the Point of Beginning, containing 40.71 Acres, more or less.

### 65 Commerce Park- Phase 3 South

The Northwest Quarter of the Northeast Quarter of Section 36, Township 18 North, Range 1 East, Boone County, Indiana, being described as follows:

Beginning at the Northwest corner of said Quarter Quarter Section; thence North 88 degrees 50 minutes 31 seconds East along the North line thereof a distance of 1341.08 feet; thence South 00 degrees 50 minutes 49 seconds East along the East line thereof a distance of 1305.12 feet; thence South 88 degrees 31 minutes 02 seconds West along the South line thereof a distance of 1341.44 feet; thence North 00 degrees 50 minutes 02 seconds West along the West line thereof a distance of 1312.72 feet to the Point of Beginning, containing 40.30 Acres, more or less.

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## Exhibit B

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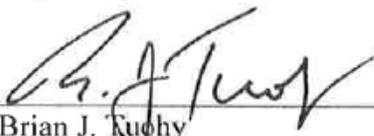
### Commitments

#### COMMITMENTS

Case No. PC20-034-ZA

1. One hundred thirty feet (130') of right-of-way along the eastern border of the site shall be dedicated by Petitioner to the Town of Whitestown. The dedication shall occur prior to obtaining an improvement location permit for development of the site.
2. South of E 500 S, a six foot (6') tall solid fence shall be installed and maintained on the eastern border of the site or on the eastern border of the above describe right-of-way (the location shall be determined by the Whitestown Planning Staff). The fence shall run north to south the length of the site south of E 500 S.
3. Development on the site shall comply with section 11.8.c. of the I-65 PUD Ordinance (Ordinance No. 2004-10).
4. The maximum building height for buildings constructed on the site shall be 50 feet (50') tall.

#### Strategic Capital Partners

By: 

Brian J. Kuehy  
Title: Attorney

#### Strategic Capital Partners

By: 

John B. Cumming  
Title: Sr. Vice President, Development