



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

Zoning Map Amendments  
PC16-016-ZA

WHEREAS, the Petitioner, GDI Construction filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 100 Acres, more or less, in the Town of Whitestown, Indiana, from AG Agricultural to I-1 Light Industrial; 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 4-1 vote, on June 13, 2016; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on June 13, 2016; 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, now adopts the proposal and approves the requested rezoning with the stated conditions of commitment (Covenant/Commitments), all as hereinafter set out.

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

**Section 1.** That the Applicant is GDI Construction

**Section 2.** That the Applicant seeks to have the following described property, which is currently located in the AG zoning district rezoned to I-1;

See legal description attached hereto as Exhibit A and incorporated herein by reference.

**Section 3.** 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.

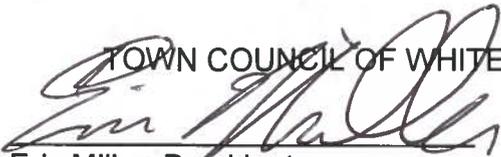
**Section 4.** That Exhibit B – Deed Restrictions and Written Commitments Concerning the Use or Development of Real Estate Made in Connection with a Zone Map Change – is made part of this Ordinance.

**Section 5.** This Ordinance shall be in full force and effect from and after its passage and upon presentation of proof by Petitioner to the Town that this Ordinance and the Commitments have been recorded.

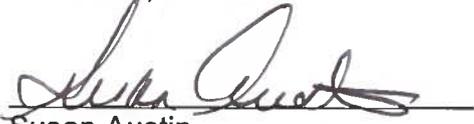
ALL OF WHICH IS ADOPTED this 27<sup>th</sup> day of July, 2016, by the Town Council of the Town of Whitestown, Indiana.

ORIGINAL

TOWN COUNCIL OF WHITESTOWN, INDIANA.

  
Eric Miller, President

  
Clinton Bohm

  
Susan Austin

  
Jeff Wishek

  
Kevin Russell

ATTEST:

  
Matt Sumner, Town Clerk-Treasurer

Prepared by: Lauren Bailey



## Exhibit A

### Legal Description

EXHIBIT A  
A LAND BOUNDARY DESCRIPTION OF A  
87.13 ACRE PARCEL  
WHITESTOWN, BOONE COUNTY, INDIANA  
DECEMBER 18, 2015

A PART OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE 2<sup>ND</sup> PRINCIPAL MERIDIAN, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, BEING A PART OF BOONE COUNTY PARCEL NUMBERS 012-02130-00 AND 012-02110-00, DESCRIBED AS FOLLOWS, COMMENCING AT THE SOUTHWEST CORNER OF SAID QUARTER SECTION;

THENCE ALONG THE WEST LINE OF SAID QUARTER SECTION, NORTH 00 DEGREES 42 MINUTES 14 SECONDS WEST, A DISTANCE OF 910.00 FEET TO THE MOST NORTHWESTERLY CORNER OF THE PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED ON JULY 1, 1996 IN THE BOONE COUNTY RECORDER'S OFFICE PER INSTRUMENT NO. 9606081, BEING THE POINT OF BEGINNING OF THIS DESCRIPTION;

THENCE CONTINUING ALONG THE WEST LINE OF SAID QUARTER SECTION, NORTH 00 DEGREES 42 MINUTES 14 SECONDS WEST, A DISTANCE OF 218.88 FEET (MORE OR LESS) TO THE SOUTHERLY LIMITS OF THE FLOODWAY AREA IN ZONE AE AS DEPICTED ON THE FLOOD INSURANCE RATE MAPS - MAP NUMBERS 18011C0307E AND 18011C0326E, BOTH PUBLISHED BY THE FEDERAL EMERGENCY MANAGEMENT AGENCY AND BOTH WITH AN EFFECTIVE DATE OF JANUARY 18, 2012.

THENCE ALONG THE SOUTHERLY LIMITS OF SAID FLOODWAY AREA IN ZONE AE, AS DETERMINED PER SAID FLOOD INSURANCE RATE MAPS UTILIZING GRAPHIC PLOTTING METHODS, THE FOLLOWING NINE (9) APPROXIMATE COURSES:

- 1) NORTH 35 DEGREES 20 MINUTES 13 SECONDS EAST, A DISTANCE OF 233.69 FEET;
- 2) NORTH 72 DEGREES 20 MINUTES 27 SECONDS EAST, A DISTANCE OF 229.39 FEET;
- 3) SOUTH 89 DEGREES 36 MINUTES 04 SECONDS EAST, A DISTANCE OF 623.98 FEET;
- 4) NORTH 60 DEGREES 20 MINUTES 49 SECONDS EAST, A DISTANCE OF 114.15 FEET;
- 5) NORTH 27 DEGREES 41 MINUTES 22 SECONDS EAST, A DISTANCE OF 207.69 FEET;
- 6) NORTH 56 DEGREES 38 MINUTES 23 SECONDS EAST, A DISTANCE OF 1135.54 FEET;
- 7) NORTH 69 DEGREES 31 MINUTES 24 SECONDS EAST, A DISTANCE OF 394.47 FEET;
- 8) SOUTH 80 DEGREES 00 MINUTES 51 SECONDS EAST, A DISTANCE OF 102.92 FEET;
- 9) SOUTH 35 DEGREES 30 MINUTES 13 SECONDS EAST, A DISTANCE OF 70.95 FEET TO A POINT ON THE EAST LINE OF THE AFORESAID QUARTER SECTION.

EXHIBIT A  
PAGE 1 of 3



EXHIBIT A  
A LAND BOUNDARY DESCRIPTION OF A  
87.13 ACRE PARCEL  
WHITESTOWN, BOONE COUNTY, INDIANA  
DECEMBER 18, 2015

THENCE ALONG THE EAST LINE OF SAID QUARTER SECTION, SOUTH 00 DEGREES 55 MINUTES 25 SECONDS EAST, A DISTANCE OF 2238.97 FEET TO THE SOUTHEAST CORNER OF SAID QUARTER SECTION;

THENCE ALONG THE SOUTH LINE OF SAID QUARTER SECTION, SOUTH 88 DEGREES 25 MINUTES 17 SECONDS WEST, A DISTANCE OF 1736.63 FEET TO THE MOST SOUTHEASTERLY CORNER OF THE PARCEL DESCRIBED IN THE WARRANTY DEED RECORDED ON JULY 1, 1996 IN THE BOONE COUNTY RECORDER'S OFFICE PER INSTRUMENT NO. 9606081;

THENCE ALONG THE EASTERLY AND NORTHERLY LINES OF SAID PARCEL, THE FOLLOWING FOUR (4) COURSES:

1) NORTH 01 DEGREE 07 MINUTES 17 SECONDS WEST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 812.81 FEET;

2) SOUTH 88 DEGREES 23 MINUTES 11 SECONDS WEST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 466.65 FEET;

3) NORTH 00 DEGREES 42 MINUTES 14 SECONDS WEST, A DISTANCE OF 96.89 FEET;

4) SOUTH 88 DEGREES 29 MINUTES 16 SECONDS WEST, A DISTANCE OF 448.00 FEET TO THE POINT OF BEGINNING, CONTAINING 87.13 ACRES, MORE OR LESS.

BEING SUBJECT TO ANY PART(S) OF THE ABOVE DESCRIBED PARCEL TAKEN OR USED FOR PUBLIC ROADWAY PURPOSES.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE INDIANA STATE PLANE COORDINATE SYSTEM EAST ZONE, NAD83 (NSRS 2007), PER THE COORDINATES PROVIDED IN THE BOONE COUNTY SURVEYOR'S OFFICE SECTION CORNER RECORDS.

EXHIBIT A  
PAGE 2 of 3

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*Prepared by Woolpert Inc*



**EXHIBIT A**  
**A LAND BOUNDARY DESCRIPTION OF AN**  
**11.63 ACRE PARCEL A**  
**WHITESTOWN, BOONE COUNTY, INDIANA**  
**APRIL 19, 2016**

A PART OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED BY: COMMENCING AT THE SOUTHWEST CORNER OF THE SOUTH HALF OF THE SOUTHEAST QUARTER OF SAID SECTION 23; THENCE NORTH 00°00'00" WEST, ALONG THE QUARTER SECTION LINE AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 450 EAST, A DISTANCE OF 810.00 FEET TO THE POINT OF BEGINNING, LOCATED AT THE NORTHWEST CORNER OF THE BRIGHT PROPERTY, AS RECORDED IN DEED RECORD 243, PAGE 220; THENCE CONTINUING NORTH 00°00'00" WEST, ALONG THE QUARTER SECTION LINE AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 450 EAST, A DISTANCE OF 100.00 FEET; THENCE NORTH 89°11'30" EAST, A DISTANCE OF 448.00 FEET; THENCE SOUTH 00°00'00" EAST, A DISTANCE OF 96.89 FEET; THENCE NORTH 89°05'25" EAST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 466.65 FEET; THENCE SOUTH 00°25'03" EAST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 812.40 FEET; THENCE SOUTH 89°05'59" WEST, ALONG AN EXISTING FENCE LINE, A DISTANCE OF 572.09 FEET; THENCE NORTH 00°00'00" WEST, ALONG THE EAST DESCRIBED LINE OF THE FOLLOWING DEED HOLDERS: ANDERSON (DEED RECORD 174, PAGE 392), W.L.M., INC. (DEED RECORD 235, PAGES 387-388), HACKETT (DEED RECORD 251, PAGE 497), WEICHEL (DEED RECORD 254, PAGE 708), AND BRIGHT (DEED RECORD 243, PAGE 220), FOR A DISTANCE OF 809.44 FEET; THENCE SOUTH 89°11'30" WEST, ALONG THE NORTH DESCRIBED LINE OF SAID BRIGHT PROPERTY, A DISTANCE OF 348.48 FEET TO THE POINT OF BEGINNING, CONTAINING 11.6348 ACRES.

BEING SUBJECT TO ANY PART(S) OF THE ABOVE DESCRIBED PARCEL TAKEN OR USED FOR PUBLIC ROADWAY PURPOSES.

THE BEARINGS IN THIS DESCRIPTION ARE BASED UPON THE WEST LINE OF THE SOUTHEAST QUARTER OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST, WHICH BEARS NORTH 00°00'00" WEST.

**EXHIBIT A**  
**PAGE 1 of 2**

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*Prepared by Woolpert Inc.*

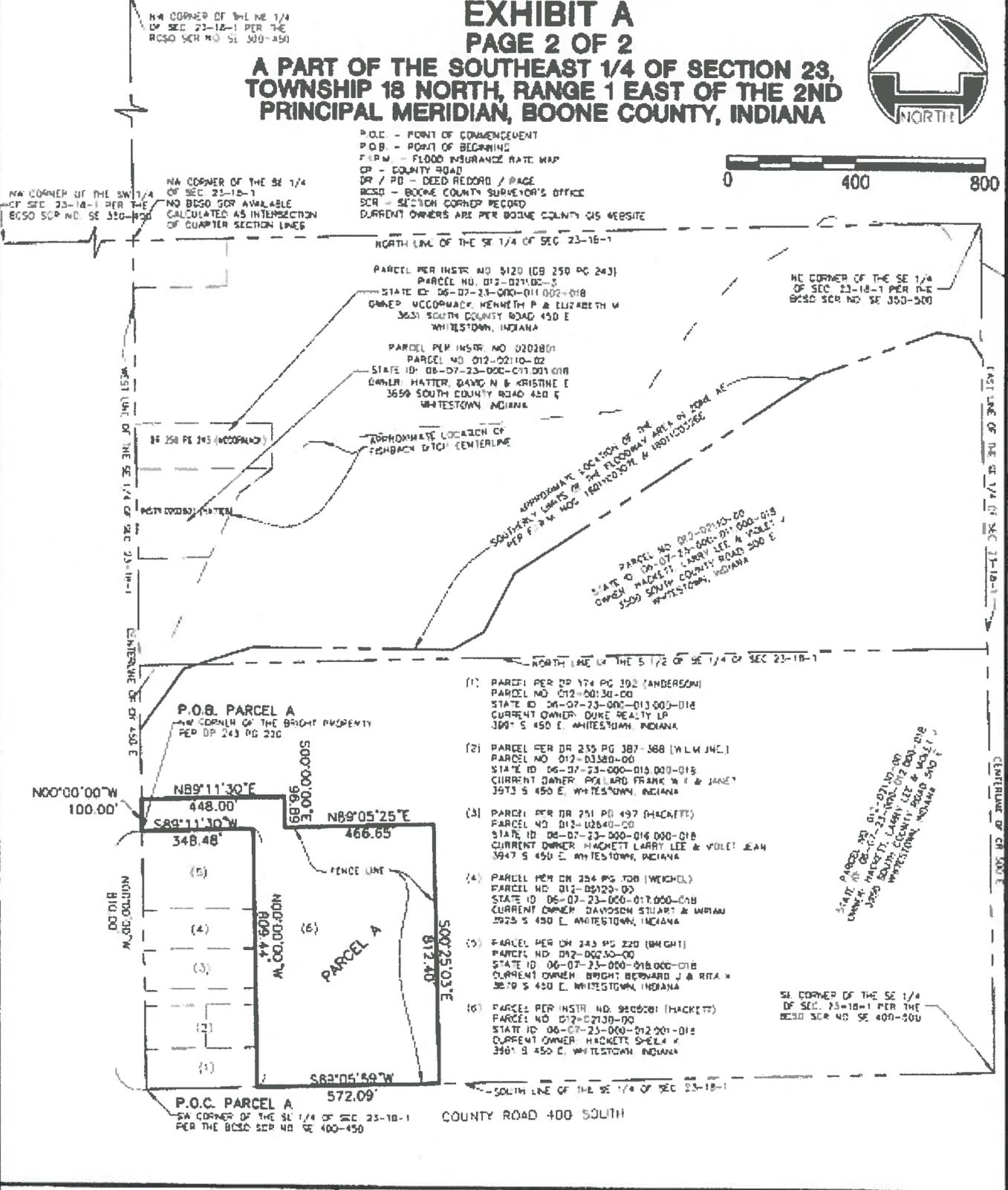
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# EXHIBIT A PAGE 2 OF 2

## A PART OF THE SOUTHEAST 1/4 OF SECTION 23, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE 2ND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA



P.O.C. - POINT OF COMMENCEMENT  
P.O.B. - POINT OF BEGINNING  
F.I.P.M. - FLOOD INSURANCE RATE MAP  
CR - COUNTY ROAD  
DR / PD - DEED RECORD / PAGE  
BCSD - BOONE COUNTY SURVEYOR'S OFFICE  
SCR - SECTION CORNER RECORD  
CURRENT OWNERS ARE PER BOONE COUNTY GIS WEBSITE



NW CORNER OF THE SW 1/4 OF SEC 23-18-1 PER THE BCSD SCR NO. SE 350-450

NW CORNER OF THE SE 1/4 OF SEC 23-18-1 NO BCSD SCR AVAILABLE CALCULATED AS INTERSECTION OF QUARTER SECTION LINES

NE CORNER OF THE SE 1/4 OF SEC 23-18-1 PER THE BCSD SCR NO. SE 350-500

NORTH LINE OF THE SE 1/4 OF SEC 23-18-1

PARCEL PER INSTR. NO. 5120 (DB 250 PG 243)  
PARCEL NO. 012-02110-02  
STATE ID: 06-07-23-000-011 002-018  
OWNER: MCCORMACK, KENNETH P & ELIZABETH W  
3631 SOUTH COUNTY ROAD 450 E  
WHITESTOWN, INDIANA

PARCEL PER INSTR. NO. 0203801  
PARCEL NO. 012-02110-02  
STATE ID: 06-07-23-000-011 001-018  
OWNER: MATTER, DAVID N & KRISTINE E  
3650 SOUTH COUNTY ROAD 450 E  
WHITESTOWN, INDIANA

APPROXIMATE LOCATION OF THE FLOODWAY AREA IN ZONE A-E PER F.I.P.M. NO. 000-00110-00

PARCEL NO. 012-02110-00  
STATE ID: 06-07-23-000-011 000-018  
OWNER: HACKETT, LARRY LEE & BOLETT, J  
3500 SOUTH COUNTY ROAD 500 E  
WHITESTOWN, INDIANA

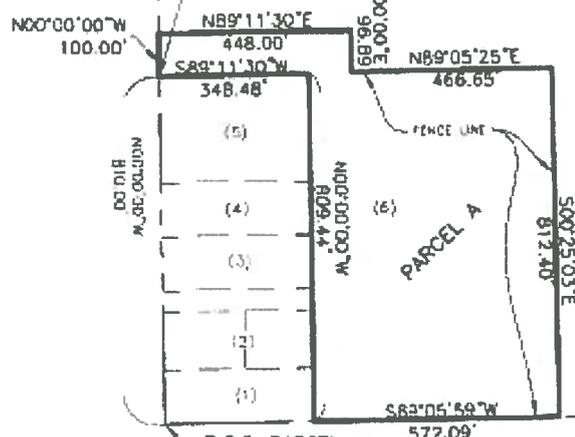
NORTH LINE OF THE S 1/2 OF SE 1/4 OF SEC 23-18-1

P.O.B. PARCEL A  
NW CORNER OF THE BRIGHT PROPERTY  
RED DR 243 PG 220

- (1) PARCEL PER DR 174 PG 392 (ANDERSON)  
PARCEL NO. 012-00130-00  
STATE ID 06-07-23-000-011 000-018  
CURRENT OWNER: DUKE REALTY LP  
3601 S 450 E, WHITESTOWN, INDIANA
- (2) PARCEL PER DR 255 PG 387-388 (W.L.M. INC.)  
PARCEL NO. 012-03580-00  
STATE ID 06-07-23-000-015 000-018  
CURRENT OWNER: POLARO, FRANK W I & JANE T  
3973 S 450 E, WHITESTOWN, INDIANA
- (3) PARCEL PER DR 251 PG 497 (HACKETT)  
PARCEL NO. 012-02640-00  
STATE ID 06-07-23-000-016 000-018  
CURRENT OWNER: HACKETT, LARRY LEE & BOLETT, J  
3947 S 450 E, WHITESTOWN, INDIANA
- (4) PARCEL PER DR 354 PGS 708 (WEICKEL)  
PARCEL NO. 012-08120-00  
STATE ID 06-07-23-000-017 000-018  
CURRENT OWNER: DAVYDSON, STUART & WYMAN  
3925 S 450 E, WHITESTOWN, INDIANA
- (5) PARCEL PER DR 243 PG 220 (BRIGHT)  
PARCEL NO. 012-00250-00  
STATE ID 06-07-23-000-018 000-018  
CURRENT OWNER: BRIGHT, BERNARD J & RITA K  
3870 S 450 E, WHITESTOWN, INDIANA
- (6) PARCEL PER INSTR. NO. 9200201 (HACKETT)  
PARCEL NO. 012-02130-00  
STATE ID 06-07-23-000-012 001-018  
CURRENT OWNER: HACKETT, LARRY LEE & BOLETT, J  
3901 S 450 E, WHITESTOWN, INDIANA

PARCEL NO. 012-02110-00  
STATE ID: 06-07-23-000-011 001-018  
OWNER: HACKETT, LARRY LEE & BOLETT, J  
3500 SOUTH COUNTY ROAD 500 E  
WHITESTOWN, INDIANA

SE CORNER OF THE SE 1/4 OF SEC. 23-18-1 PER THE BCSD SCR NO. SE 400-500



P.O.C. PARCEL A  
SW CORNER OF THE SE 1/4 OF SEC 23-18-1  
PER THE BCSD SCR NO. SE 400-450

COUNTY ROAD 400 SOUTH

ORIGINAL

**Exhibit B**  
**Commitments**

**Commitments Concerning the Use and  
Development of Real Estate**

STATE OF INDIANA                    )  
  ) SS:  
COUNTY OF BOONE                 )

Pursuant to IC §36-7-4-1015, GDI Construction (hereinafter, "Owner") makes the following Commitments to the Whitestown Plan Commission regarding the hereinafter described Real Estate.

**Description of Real Estate:**

See Exhibit "A" attached hereto and incorporated herein.

**Statement of Commitments:**

1. To preserve the context of the area, the following uses should be prohibited as part of this rezoning:
  - a. Automobile or Motorcycle Sales; Automobile Parts Supply; Automobile Repair, Service Station; Animal Day Care Facility; Bowling Alleys; Customary Home Occupation (accessory uses); Department Store; Farm Implements & Equipment Sales; Farm Product Processing; Farm Seasonal Worker Housing; Fuel Dealers; Lodge or Private Club; Mobile Home, Travel Trailer, Camper Sales & Service; Parking Garage; Temporary Mobile Home.
  - b. Provide alternatives under buffer yard "H" as listed in the Whitestown UDO to the portions abutting residential and agricultural use properties.
  - c. Architectural review by the Plan Commission shall be considered at the time of Development Plan approval.
2. The rezoning shall not be effective until the subject property has been officially annexed into the corporate limits of the Town of Whitestown

**Binding Effect:**

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Whitestown Plan Commission or its successor.

**Recording:**

The undersigned authorizes the Director of the Whitestown Planning Department to record these Commitments in the Office of the Recorder of Boone County, Indiana, upon granting of the approval of Owner's proposed Development Plan for Docket PC16-009-ZA.

**Enforcement:**

These Commitments may be enforced by the Whitestown Plan Commission.



IN WITNESS WHEREOF, Owner executed these Commitments this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

By \_\_\_\_\_

Title \_\_\_\_\_

Printed \_\_\_\_\_

STATE OF INDIANA )  
 )  
COUNTY OF \_\_\_\_\_ )



Before me, the undersigned, a Notary Public in and for said County and State, personally appeared [OWNER], who acknowledged the execution of the foregoing Commitments.

WITNESS my hand and Notarial Seal this \_\_\_\_\_ day of \_\_\_\_\_, 2016.

Signed: \_\_\_\_\_

Printed: \_\_\_\_\_

Notary Public

My Commission Expires:

\_\_\_\_\_

My County of Residence is:

\_\_\_\_\_

*This instrument was prepared by John R. Molitor, Attorney at Law.*

“I, affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.”

Name: John R. Molitor