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ORDINANCE NO. 2017-21

AN ORDINANCE AMENDING THE I-65 ANSON PUD TEXT OF THE TOWN OF WHITESTOWN, INDIANA

PUD Text Amendments
PC17-012-TA

WHEREAS, the Petitioner, Browning/Duke LLC filed its I-65 PUD Text Amendment Application before the Whitestown Plan Commission seeking to amend the text of Section 3.2 and Section 11.8.c.14 of the I-65 Anson PUD; 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 4-0 vote, on May 8, 2017; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on May 8, 2017; 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 text amendments all as hereinafter set out.

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

Section 1. That the Applicant is Browning/Duke LLC.

Section 2. That the Applicant seeks to retroactively amend the text of the I-65 Anson PUD for the purpose of supplementing the definition of loading berths and to amend and restate permitted locations of trailer staging areas.

See legal description attached hereto as Exhibit B 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 the Town Council hereby adopts/rejects the proposal of the Whitestown Plan Commission as certified, and hereby adopts/rejects Exhibit A as an amendment to the I-65 Anson PUD.

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Section 5. In accordance with IC 36-5-2-10, this Ordinance shall be in full force and effect upon its passage and shall be retroactively applied to improvements upon real estate located within the Interstate Commerce District and the Commerce District Land Use Districts of the I-65 Anson PUD.

ALL OF WHICH IS ADOPTED this 19th day of July, 2017, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Eric Miller, President

Clinton Bohm

Susan Austin, Vice President

Jeff Wishek

Kevin Russell

ATTEST:

~~Matt Sumner, Town Clerk-Treasurer~~
Sheri Williams
Deputy Clerk-Treasurer

Prepared by: Lauren Bailey

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Exhibit A

Proposed Text Amendments

Section 3.2 Definitions

Loading Berths. Loading berths, unloading berths, bays and/or loading docks are the opening(s) on the façade of a building which opening(s) are used for the receipt and/or distribution by vehicles of goods, materials or merchandise to and from the building. The terms loading berths, unloading berths, bays and/or loading docks do not include any area(s) that extend beyond the façade of the building.

Section 11.8.c.14

Trailer Staging:

Trailer staging shall be designed and shown on the development plans. Appropriate areas adjacent to or in close proximity to the loading areas shall be used and trailer staging areas shall be screened from public street rights-of-way. Trailer staging shall (i) be prohibited within two hundred (200) feet of a Protected Residential Area and (ii) be located behind the façade of the building that is opposite a Protected Residential Area if such building is within six hundred (600) feet of any Protected Residential Area; except however, where such trailer staging areas are screen by an existing building.

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Exhibit B
Legal Description

This text amendment is only specific to the areas of the Interstate Commerce District and the Commerce District of the Anson I-65 PUD located within the below described Property Legal Description.

A part of the Northeast Quarter of Section 1, Township 17 North, Range 1 East, a part of Section 25, Township 18 North, Range 1 East, a part of Section 26, Township 18 North, Range 1 East, a part of the Northeast Quarter of Section 35, Township 18 North, Range 1 East and a part of Section 36, Township 18 North, Range 1 East, a part of the North Half of Section 6, Township 17 North, Range 2 East and a part of the West Half of Section 31, Township 18 North, Range 2 East all located Boone County, Indiana being bounded as follows:

Commencing at the Northeast Corner of the Northeast Quarter of Section 1, Township 17 North, Range 1 East; thence south along the East Line of said Northeast Quarter 1,563.97 feet to the centerline of the east service road of Interstate Highway Number 65 ("I-65") and to the POINT OF BEGINNING of this description; thence northwesterly 1,912.29 feet along the centerline of said service road to the West Line of the East Half of said Northeast Quarter; thence north along the West Line of the East Half of said Northeast Quarter to the northeaster right-of-way line of I-65; thence northwesterly along the northeaster right-of-way line of I-65 to the North Line of Northeast Quarter of said Northeast Quarter which is also the South Line of the Southeast Quarter of Section 36, Township 18 North, Range 1 East; thence easterly 338.95 feet along the South Line of said Southeast Quarter to a point being 1,090.00 feet west of the Southeast Comer of said Southeast Quarter; thence easterly 1,133.40 feet to a point on the East Line of said Southeast Quarter that is 300.00 feet north of the Southeast Corner of said Southeast Quarter; thence north 1,405.00 feet along the East Line of said Southeast Quarter to point being 930.59 feet south of the Northeast Corner of said Southeast Quarter; thence west 1,339.17 feet to a point on the East Line of the Northwest Quarter of said Southeast Quarter that is 388.47 feet north of the Southeast Comer of the Northwest Quarter of said Southeast Quarter; thence south 388.47 feet along the East Line of the Northwest Quarter of said Southeast Quarter to the Southeast Comer of the Northwest Quarter of said Southeast Quarter; thence west 1,292.54 feet along the South Line of the Northwest Quarter of said Southeast Quarter to the northeaster right-of-way line of I-65; thence northwesterly 9,736 feet, more or less, along the northeaster right-of-way line of I-65 through said Section 36, the Northeast Quarter of Section 35, Township 18 North, Range 1 East and Section 26, Township 18 North, Range 1 East to the West Line of tire East Half of the Northwest Quarter of said Section 26; thence north 1,489.82 feet, more or less, along the West Line of the East Half of said Northwest Quarter to a fence line; thence east 213.13 feet along said fence line to the southwestern corner of the tract of land described in the WARRANTY DEED recorded as instrument #9912240 by the Recorder of Boone County, Indiana; thence north 614.03 feet along the western boundary of said tract of land to the North Line of said Northwest Quarter; thence east 3,772 feet, more or less, to the Northeast Comer of said Section 26 and the Northwest Corner of Section 25, Township 18 North, Range 1 East; thence east 3,960 feet, more or less, to the Northeast Comer of the West Half of the Northeast Quarter of aid Section 26; thence south 2,640 feet along the East Line of the West Half of said Northeast Quarter to the Southeast Comer of the West Half of said Northeast Quarter and the Northeast Comer of the West Half of the Southeast Quarter of said Section 25; thence south 2,640 feet, more or less, along the East Line of the West Half of the Southeast Quarter of said Section 26 to the Southeast Comer of the West Half of said Southeast Quarter and the Northwest

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Comer of the East Half of the Northeast Quarter of said Section 36; thence east 1,320 feet, more or less, to the Northeast Corner of the East Half of said Northeast Quarter and the West Line of the Northwest Quarter of Section 31, Township 18 North, Range 2 East; thence north 75.9 feet, more or less, along the West Line of said Northwest Quarter to the Northwest Comer of said Northwest Quarter; thence east 2,087 feet, more or less, to the east line of the 20.85 acre tract of land ("Parcel 5") described in the QUITCLAIM DEED recorded as instrument #0305521 by said Recorder; thence south 1,332 feet, more or less, along the east line of said 20.85 acre tract of land to its southeastern corner on the North Line of the Southeast Quarter of said Northwest Quarter; thence east 632 feet, more or less, along the North Line of the Southeast Quarter of said Northwest Quarter to the East Line of said Northwest Quarter; thence south 1,320 feet, more or less, along the East Line of said Northwest Quarter to the Southeast Comer of said Northeast Quarter and the Northeast Comer of the Southwest Quarter of said Section 31; thence south 1,320 feet, more or less, along the East Line of said Southwest Quarter to the Southeast Comer of the Northeast Quarter of said Southwest Quarter; thence west 1,320 feet, more or less, along the South Line of the Northeast Quarter of said Southwest Quarter to the Southwest Comer of the Northeast Quarter of said Southwest Quarter on the East Line of the West Half of said Southwest Quarter; thence south 1,320 feet, more or less, along the East Line of the West Half of said Southwest Quarter to the Southeast Comer of the West Half of said Southwest Quarter on the North Line of the Northwest Quarter of Section 6, Township 17 North, Range 2 East; thence east 1,320 feet, more or less, along the North Line of said Northwest Quarter to the Southeast Comer of Southwest Quarter of said Section 31; thence east 257.4 feet, more or less, along the North Line of said Northwest Quarter to the Northeast Corner of said Northwest Quarter and the Northwest Comer of the Northeast Quarter of said Section 6; thence east 2,692.16 feet along the North Line of said Northeast Quarter to the Northeast Comer of said Northeast Quarter; thence south 1,433.27 feet along the East Line of said Northeast Quarter to a fence line; thence west 243.95 feet along said fence line to a fence line; thence south 98.90 feet along said fence to the northern right-of-way line of SR 334, the following eleven (11) courses are along the northern right-of-way line of SR 334 and recited from a plat of survey by Stoeppelwerth & Associates, Inc. (Job No. 47870) dated November 10, 2003; 1) thence westerly 172.35 feet along a non- tangent curve concave to the south to a point being North 01 degree 09 minutes 53 seconds West (this bearing and the bearings in the following ten numbered courses are relative to the North Line of said Northeast Quarter having a bearing of North 89 degrees 17 minutes 42 seconds East) 34,415.19 feet from the radius point of said curve; 2) thence North 88 degrees 23 minutes 21 seconds West 100.25 feet to a point on a non-tangent curve concave to the south, said point being North 01 degree 19 minutes 53 seconds West 34,420.19 feet from the radius point of said curve; 3) thence westerly 248.22 feet along said curve to its point of tangency, said point of tangency being North 01 degree 44 minutes 40 seconds West 34,420.19 feet from the radius point of said curve; 4) thence South 88 degrees 15 minutes 20 seconds West 652.10 feet; 5) thence South 86 degrees 49 minutes 24 seconds West 200.06 feet; 6) thence South 88 degrees 15 minutes 20 seconds West 602.26 feet; 7) thence North 81 degrees 49 minutes 05 seconds West 203.04 feet; 8) thence South 88 degrees 15 minutes 20 seconds West 200.00 feet; 9) thence North 37 degrees 41 minutes 37 seconds West 67.04 feet; 10) thence South 00 degrees 10 minutes 48 seconds East 72.03 feet; 11) thence South 89 degrees 49 minutes 12 seconds West 25.00 feet to the West Line of said Northeast Quarter which is also the East Line of the Northwest Quarter of said Section 6; thence north 780.71 feet, more or less, along the East Line of Northwest Quarter to the northeastern comer of the 7.77 acre tract of land described in the WARRANTY DEED recorded in Deed Record 256, page 50 by said Recorder; thence west 812.70 feet along the northern boundary of said 7.77 acre tract of land to its northwestern corner; thence south 557 feet, more or less, along the western boundary of said 7.77 acre tract of land to the northeastern comer of the sixty-foot by four hundred eighty-foot tract of land depicted on Exhibit "C" of the MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL recorded as instrument #9602934 by said Recorder; thence west 480 feet along the northern boundary of said sixty-foot by four hundred eighty-foot tract of land to its northwestern comer; thence south 60 feet along the western boundary of said sixty-foot by four hundred eighty-foot tract of land to the northern boundary of the 4.298 acre tract of land described in MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL; thence west 381.3 feet along the northern boundary of said 4.298 acre tract of land and along the northern boundary of the 1.937 acre tract of land also described in said MEMORANDUM OF LEASE AND RIGHT OF FIRST REFUSAL to the northwestern corner of said 1.937 acre tract of land; thence south 361.4 feet, more or less, along the western boundary of said 1.937 acre tract of land the northern right-of-way line of SR 334, said point being on a non-tangent curve concave to the south having a radius of 3,338.16 feet; thence westerly 459 feet, more or less, along said curve; thence South 80 degrees 53 minutes 35 seconds West 69.49 feet along said right-

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of-way line; thence North 68 degrees 51 minutes 47 seconds West 158.10 feet along the right-of-way for 1-65; thence South 88 degrees 16 minutes 19 seconds West 480.48 feet along the right-of-way for I-65; thence North 71 degrees 13 minutes 57 seconds West 345.39 feet along the right-of-way for 1-65; thence North 52 degrees 30 minutes 20 seconds West 171.03 feet along the right-of-way for 1-65 to the POINT OF BEGINNING containing 1,725 acres, more or less.

ALSO, a part of the Northeast Quarter of Section 6, Township 17 North Range 2 East located in Eagle Township, Boone County, Indiana being bounded as follows (the following land description is recited from a plat of survey by Stoeppelwerth & Associates, Inc. (Job No. 47870) dated November 10, 2003):

BEGINNING at the Southwest Corner of the Northeast Quarter of Section 6, Township 17 North Range 2 East; thence North 00 degrees 10 minutes 48 seconds West 1,115.50 feet along the West Line of said Northeast Quarter to the southern right-of-way line of SR 334, the following eight (8) courses are along the southern right-of-way line of SR 334; 1) thence North 89 degrees 49 minutes 12 seconds East 25.00 feet; 2) thence South 00 degrees 10 minutes 48 seconds East 50.02 feet; 3) thence North 38 degrees 45 minutes 45 seconds East 72.34 feet; 4) thence North 88 degrees 15 minutes 20 seconds East 200.00 feet; 5) thence North 78 degrees 19 minutes 45 seconds East 203.04 feet; 6) thence North 88 degrees 15 minutes 20 seconds East 502.26 feet; 7) thence South 88 degrees 52 minutes 56 seconds East 100.12 feet; 8) thence North 88 degrees 15 minutes 20 seconds East 245.04 feet to a fence line; thence South 00 degrees 07 minutes 37 seconds East 1,213.23 feet along said fence to the South Line of said Northeast Quarter; thence North 88 degrees 59 minutes 04 seconds West 1,315.64 feet along the South Line of Northeast Quarter to the POINT OF BEGINNING containing 35.482 acres, more or less.

EXCEPT the 4.434-acre tract of land described in the CORPORATE WARRANTY DEED recorded in Deed Record 230, page 398 by said Recorder as follows:

Commencing at the Northwest Comer of the Southwest Quarter of Section 25, Township 18 North, Range 1 East (iron pin found); thence South 89 degrees 47 minutes 00 seconds East (assumed bearing) 1,336.20 feet along the North Line of said Southwest Quarter to the Northwest Comer of the East Half of said Southwest Quarter and the POINT OF BEGINNING of this description, said comer being collinear with and equidistant from the Northwest Comer and the Northeast Corner (occupied center of section) of said Southwest Quarter; thence South 89 degrees 47 minutes 00 seconds East 535.00 feet along the North Line of said Southwest Quarter; thence South 00 degrees 17 minutes 55 seconds West 361.00 feet parallel with the West Line of the East Half of said Southwest Quarter; thence North 89 degrees 47 minutes 00 seconds West 535.00 feet parallel with the North Line of said Southwest Quarter to the West Line of the East Half of said Southwest Quarter; thence North 00 degrees 17 minutes 55 seconds East 361.00 feet along the West Line of the East Half of said Southwest Quarter to the POINT OF BEGINNING. Containing 4.434 acres, more or less.

ALSO EXCEPT the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East.

ALSO EXCEPT all that part of the following described tract of land (see the QUITCLAIM DEED recorded in Deed Record 242, page 20) that is located in the Southeast Quarter of Section 26, Township 18 North, Range 1 East located in Worth Township, Boone County, Indiana:

A part of the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East and a part of the Northeast Quarter of the Southeast Quarter of Section 26, Township 18 North, Range 1 East of the Second Principal Meridian, situated in Worth Township, Boone County, Indiana, more particularly described as follows:

BEGINNING at a point 1,145.67 feet west of the Northeast Comer of the Northwest Quarter of the Southwest Quarter of Section 25, Township 18 North, Range 1 East, and run thence west 510 feet following the half section line and center of public road 450-5; thence south 283 feet; thence east 510 feet; thence north 283 feet to the PLACE OF BEGINNING.

ALSO EXCEPT all that part of the following described tract of land (see the WARRANTY DEED recorded in Deed Record 237, page 195) that is located in the Southeast Quarter of Section 26, Township 18 North, Range 1 East located in Worth Township, Boone County, Indiana:

BEGINNING at a point on the East Line of the Northeast Quarter of the Southeast Quarter in Section 26 being South 01 degree 12 minutes 51 seconds West (assumed bearing) 284.94 feet from the Northeast Comer thereof; thence South 89 degrees 39 minutes 23 minutes East 187.37 feet to a point being South 01 degree 12 minutes 51 seconds West, parallel with said East Line

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283.00 from the North Line of the Northwest Quarter of the Southwest Quarter in Section 25; thence South 01 degree 12 minutes 51 seconds West, parallel with said East Line 317.00 feet; thence North 89 degrees 39 minutes 23 seconds West 509.95 feet; thence North 01 degree 12 minutes 51 seconds East; parallel with said East Line 317.00 to a point being South 01 degree 12 minutes 51 seconds West 283.00 feet from the North Line of said quarter-quarter in Section 26; thence South 89 degrees 39 minutes 23 seconds East 322.58 feet to the POINT OF BEGINNING, containing 1.364 acres

ALSO EXCEPT the I.00-acre tract of land described in the WARRANTY DEED recorded in Deed Record 187, page 153 by said Recorder as follows:

A part of the Southwest Quarter of Section 31, Township 18 North, Range 2 East of the Second Principal Meridian and more particularly described as follows, to-wit: From a railroad rail at the Northeast Corner of the aforesaid tract, proceed thence South 88 degrees 44 minutes 0 seconds West for a distance of 265.90 feet to the POINT OF BEGINNING. From said point of beginning, proceed thence South 88 degrees 44 minutes 0 seconds West for a distance of 200.00 feet along the North Line of the Southwest Quarter, thence South 1 degree 16 minutes 0 seconds East for a distance of 217.80 feet, thence North 88 degrees 44 minutes 0 seconds East for a distance of 200.00 feet, thence North 1 degree 16 minutes 0 seconds West for a distance of 217.80 feet to the POINT OF BEGINNING, containing 1.00 acre, more or less.

LEAVING, after said exceptions, 1,709 acres, more or less.

This land description is based upon public record documents and does not represent a land survey.