

ORDINANCE NO. 2017-____

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

Zoning Amendments
PC17-027-ZA

WHEREAS, the Petitioner, Duke Construction LP filed its I-65 Anson PUD Zoning Amendment Application before the Whitestown Plan Commission seeking amendments to include 0.575 acres into the Business District (BD) 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 6-0 vote, on July 10, 2017; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on July 10, 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 zoning amendment

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

Section 1. That the Applicant is Duke Construction LP

Section 2. That the Applicant seeks the following described District; permitted under section 24; increased by approximately 0.575 acres within the I-65 Anson PUD;

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 – The Proposed Zoning Amendment

Section 5. This Ordinance shall be in full force and effect upon its passage.

ALL OF WHICH IS ADOPTED this _____ day of _____, 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

Prepared by:

Exhibit A

Proposed Zoning Amendments

The applicant requests approval of amending the I-65 PUD Ordinance to include 0.575 acres, all to be located within the Anson Business District pursuant to Section 25 of the I-65 PUD Ordinance.

Narrative

This narrative is to serve as supplementary information related to the Zone Map Change application submitted on May 31, 2017. The 0.575 acres was acquired from the Charles & Verlene Schooler during a land swap while both the Schooler's and Duke were conveying land to Whitestown for the right-of-way of the new Perry Worth road. This 0.575 acreage was not part of the original I-65 PUD Zoning land area and was actually owned by the Schooler's as part of the Crystal Flash gas station site.

The nature of the property and location are such that future development would be encouraged to implement the Town's Master Plan. The site is currently undeveloped and proposed as commercial retail to the north of Whitestown Parkway as Midland Atlantic as the developer. The property to the west is the Highway I-65 interchange and the property to the north and east of the 0.575 acres is also located within the Business District and proposed as retail use.

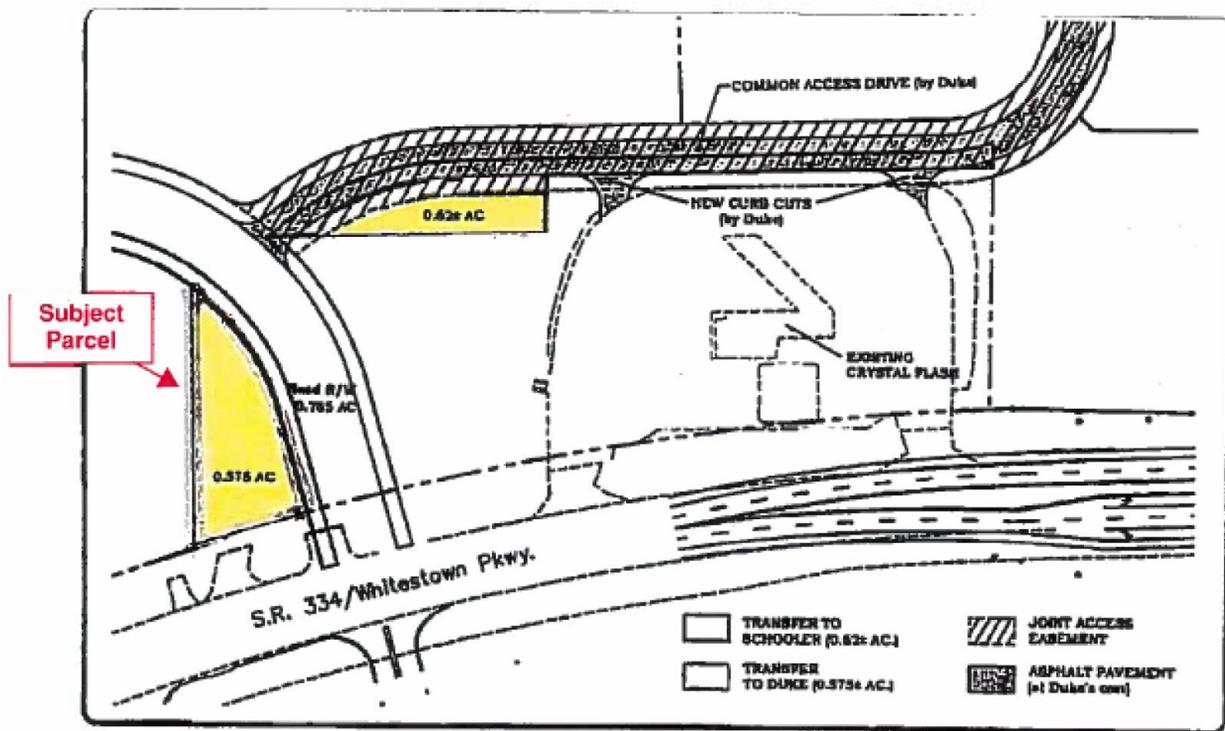


EXHIBIT B
DEPICTION OF THE REAL ESTATE

Scale: 1" = 120'
Date: 04/16/2014
(to scale on S.E.11 sheet)



Common Access Drive Exhibit
Schooler Parcel
PHASE 1 SOUTH AT ANSON
WHITESTOWN, INDIANA



Exhibit B

Legal Description

[Legal Description]

A part of the Northwest Quarter of Section 6, Township 17 North, Range 2 East, Boone County, Indiana, described as follows:

Commencing at the southeast corner of said Northwest Quarter, thence North 00 degrees 25 minutes 47 seconds West (basis of bearings is a Warranty Deed recorded as Instrument No. 201300000935 in the Office of the Recorder of Boone County, Indiana) 1247.92 feet along the east line of said Northwest Quarter, thence South 89 degrees 34 minutes 13 seconds West 466.20 feet perpendicular to said east line to a 5/8 inch capped rebar found on the northern right of way line of Whitestown Parkway (formerly State Road 334) at the southeast corner of the tract of land conveyed by said Warranty Deed, said point being on a curve concave southerly having a radius of 3338.16 feet and subtended by a long chord having a bearing of South 81 degrees 15 minutes 37 seconds West and a length of 729.68 feet; thence along said northern right of way line Westerly along said curve an arc distance of 731.14 feet to the Point of Beginning, said point being on a curve concave southeasterly having a radius of 3338.16 feet and subtended by a long chord having a bearing of South 73 degrees 45 minutes 56 seconds West and a length of 142.16 feet; thence along said northern right of way line Southwesterly along said curve an arc distance of 142.17 feet to the southwest corner of the tract of land conveyed by said Warranty Deed; thence North 00 degrees 12 minutes 33 seconds West 287.16 feet along said west line to a point 53.16 feet south of the northwest corner of said tract of land as measured along said west line, said point being on a curve concave southwesterly having a radius of 283.00 feet and subtended by a long chord having a bearing of South 35 degrees 21 minutes 28 seconds East and a length of 198.65 feet; thence Southeasterly along said curve an arc distance of 202.97 feet to the point of tangency of said curve; thence South 14 degrees 48 minutes 42 seconds East 88.35 feet to the point of beginning, containing 0.575 acres, more or less.