

## ORDINANCE NO. 2021-10

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

Zoning Map Amendments  
PC20-058-ZA

WHEREAS, the Petitioner, Emmis Indiana Broadcasting LP, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 56.59 acres, more or less, in the Town of Whitestown, Indiana, **UB (Urban Business) Zoning Classification to the MU-COR (Mixed Use Commercial Office Residential) Zoning Classification**; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined favorable recommendation, by a 6-0 vote, on February 8, 2021; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on March 3, 2021; 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 amendment under the terms and conditions set forth herein.

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

**Section 1.** That the Applicant is Emmis Indiana Broadcasting LP

**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 UB (Urban Business) Zoning Classification, rezoned to the MU-COR (Mixed Use Commercial Office Residential) Zoning Classification.

**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 approves the requested amendment to the zoning map with respect to the Property, such that the Property is zoned MU-COR (Mixed Use Commercial Office Residential).

**Section 5.** 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 any Commitments have been recorded.

ALL OF WHICH IS ADOPTED this\_\_\_\_\_day of\_\_\_\_\_, 2021, 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:

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Matt Sumner, Town Clerk-Treasurer

*Ordinance prepared by Brittany Garriott, Town Planner*

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## Exhibit A

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### Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 36, TOWNSHIP 18 NORTH, RANGE 1 EAST OF THE SECOND PRINCIPAL MERIDIAN, PERRY TOWNSHIP, BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS: COMMENCING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER; THENCE SOUTH 01 DEGREES 03 MINUTES 10 SECONDS EAST (ASSUMED BEARING) ALONG THE EAST LINE OF SAID SOUTHEAST QUARTER 852.21 FEET TO A POINT ON THE SOUTH RIGHT-OF-WAY LINE OF NEW HOPE BOULEVARD AS PLATTED IN WOODLANDS BLOCK ONE AS INSTRUMENT NUMBER 201400002518, IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA; THENCE NORTH 89 DEGREES 37 MINUTES 42 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY 6.98 FEET; THENCE SOUTH 88 DEGREES 30 MINUTES 22 SECONDS WEST ALONG SAID SOUTH RIGHT-OF-WAY 525.52 FEET TO THE POINT OF BEGINNING: THENCE SOUTH 01 DEGREES 03 MINUTES 10 SECONDS EAST PARALLEL TO SAID EAST LINE 350.09 FEET; THENCE SOUTH 88 DEGREES 32 MINUTES 47 SECONDS WEST 20.11 FEET TO A POINT OF NON-TANGENTIAL CURVATURE TO THE RIGHT HAVING A RADIUS OF 1537.50 FEET, THE RADIUS POINT OF WHICH BEARS NORTH 83 DEGREES 54 MINUTES 10 SECONDS WEST; THENCE SOUTHWESTERLY ALONG SAID CURVE AN ARC DISTANCE OF 701.69 FEET TO A POINT WHICH BEARS SOUTH 57 DEGREES 45 MINUTES 13 SECONDS EAST FROM SAID RADIUS POINT; THENCE SOUTH 57 DEGREES 45 MINUTES 13 SECONDS EAST 181.87 FEET; THENCE NORTH 88 DEGREES 56 MINUTES 50 SECONDS EAST 641.07 FEET TO A POINT ON AFORESAID EAST QUARTER LINE; THENCE SOUTH 01 DEGREES 03 MINUTES 10 SECONDS EAST ALONG SAID EAST LINE 376.20 FEET TO THE NORTHEAST CORNER OF BLOCK E, PARCEL 7 OF ANSON DEVELOPMENT, PHASE I SOUTH, REVISION 15 AS PER PLAT THEREOF RECORDED AS INSTRUMENT NUMBER 2017009760 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA; THENCE SOUTH 73 DEGREES 03 MINUTES 03 SECONDS WEST ALONG THE NORTH LINE OF SAID ANSON DEVELOPMENT 1133.29 FEET; THENCE SOUTH 88 DEGREES 24 MINUTES 01 SECONDS WEST ALONG SAID NORTH PLAT LINE 340.47 FEET TO A POINT ON THE NORTHEASTERLY RIGHT-OF-WAY OF PERRY WORTH ROAD; THENCE NORTH 43 DEGREES 54 MINUTES 30 SECONDS WEST ALONG SAID RIGHT-OF-WAY 1314.86 FEET; THENCE NORTH 41 DEGREES 37 MINUTES 04 SECONDS WEST ALONG SAID RIGHT-OF-WAY 250.20 FEET; THENCE NORTH 43 DEGREES 54 MINUTES 30 SECONDS WEST ALONG SAID RIGHT-OF-WAY 212.61 FEET TO A POINT ON THE NORTH LINE OF THE SOUTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36; THENCE NORTH 88 DEGREES 28 MINUTES 54 SECONDS EAST ALONG SAID NORTH QUARTER-QUARTER LINE 1292.37 FEET TO THE NORTHEAST CORNER OF SAID QUARTER-QUARTER; THENCE NORTH 01 DEGREES 03 MINUTES 00 SECONDS WEST ALONG THE WEST LINE OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 36, A DISTANCE OF 466.13 FEET TO A POINT ON AFORESAID SOUTH RIGHT-OF-WAY LINE OF NEW HOPE BOULEVARD; THENCE NORTH 88 DEGREES 30 MINUTES 22 SECONDS EAST ALONG SAID SOUTH RIGHT-OF-WAY 807.21 FEET TO THE POINT OF BEGINNING, CONTAINING 56.592 ACRES, MORE OR LESS.

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