

ORDINANCE NO. 2021-11

AN ORDINANCE OF THE TOWN OF WHITESTOWN, AMENDING THE BRIDLE OAKS/CLARK PLANNED UNIT DEVELOPMENT ORDINANCE

Zone Map Amendments and PUD Amendment
PC20-061-ZA

WHEREAS, the petitioner, Pulte Homes of Indiana, LLC, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 52.29 acres, more or less, in the Town of Whitesotnw, Indiana, **from the R2 (Low-density Single-family and Two-family Residential) Zoning Classification to the Bridle Oaks PUD (Planned Unit Development) Zoning Classification;**

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

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on March 3, 2021;

WHEREAS, pursuant to I.C. 36-7-4-1500 et seq. and 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 this amendment to the Bridle Oaks/Clark PUD, all as hereinafter set out.

IT IS THEREFORE CONSIDERED ORDAINED AND ADOPTED as Follows:

Section 1. That the Applicant is Pulte Homes of Indiana on behalf of Ball State University Foundation, property owner.

Section 2. That the Applicant seeks to have the following described property attached hereto as Exhibit A, which is currently located in the R-2 (Low-density Single-family and Two-family Residential) Zoning Classification zoned added to the Bridle Oaks/Clark PUD and made a part of the Single-Family Residential Area and Mixed Use and Residential Area as generally depicted on the attached concept plan (Exhibit B).

Section 3. The Development Standards Table – Single Family Residential shall be amended and restated as follows:

Development Standards Table – Single-Family Residential

Maximum Dwelling Units (Single-Family Residential Area)	330
Minimum Lot Area	6,000 sq. ft.
Minimum Lot Width	50'
Minimum Lot Depth	120'
Minimum Living Area	1,200 sq. ft.
Maximum Lot Coverage	60%
Maximum Building Height	35'
Minimum Front Yard Building Setback	25'
Minimum Distance Between Buildings	10'
Minimum Side Yard Setback	5'
Minimum Rear Yard Setback	20'

Section 4. A new Section 2.4.B.2. is added as follows:

STREET STANDARDS. Subject to approval of the Director, centerline radii may be established at fifty (50) feet or greater to achieve the neighborhood streetscape design set forth in the Concept plan (Exhibit B).

Section 5. The Real Estate shall be subject to the applicable standards, terms and conditions set forth in the Bridle Oaks/Clark PUD as amended hereby.

Section 6. 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 7. That the Town Council hereby approves the requested amendment to the zoning map with respect to the Property and the amendment to the Bridle Oaks/Clark PUD, such that the Property is added to the Bridle Oaks/Clark PUD and made part of the Single-Family Residential Area and Mixed Use and Residential Area under such PUD.

Section 8. 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:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

I affirm, under penalties of perjury, that I have taken reasonable care to redact each Social Security Number in this document, unless required by law: Jonathan W. Hughes

Prepared by: Jonathan W. Hughes, Attorney, Bose McKinney & Evans LLP, 111 Monument Circle, Suite 2700, Indianapolis, IN 46204 (317) 684-5000.

EXHIBIT A

LAND DESCRIPTION
TITLE COMMITMENT: CHICAGO TITLE INSURANCE COMPANY
COMMITMENT NO.: IN-207172-ANC
RECORD INSTRUMENT NO. 2019005572

THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER AND THAT PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 2 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS:

BEGINNING AT THE NORTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE SOUTH 00 DEGREES 23 MINUTES 55 SECONDS EAST, ALONG THE SECTION LINE, A DISTANCE OF 655.19 FEET; THENCE SOUTH 88 DEGREES 47 MINUTES 46 SECONDS WEST, ALONG THE SOUTH LINE OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 19, A DISTANCE OF 1324.17 FEET; THENCE SOUTH 00 DEGREES 08 MINUTES 10 SECONDS EAST, ALONG THE QUARTER-QUARTER SECTION LINE, A DISTANCE OF 657.49 FEET; THENCE SOUTH 88 DEGREES 41 MINUTES 57 SECONDS WEST, ALONG THE QUARTER-QUARTER SECTION LINE, A DISTANCE OF 888.31 FEET; THENCE NORTH 00 DEGREES 28 MINUTES 24 SECONDS WEST, ALONG THE EAST LINE OF THE HASHMAN PROPERTY AS RECORDED IN DEED RECORD 247, PAGE 788 AND SAID LINE EXTENDED, A DISTANCE OF 678.17 FEET; THENCE SOUTH 88 DEGREES 47 MINUTES 46 SECONDS WEST, ALONG AN EXISTING FENCE LINE AND THE EXTENSION THEREOF, A DISTANCE OF 431.81 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 28 SECONDS EAST, ALONG THE QUARTER SECTION LINE AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 650 EAST, A DISTANCE OF 640.57 FEET; THENCE NORTH 88 DEGREES 53 MINUTES 37 SECONDS EAST, ALONG THE QUARTER SECTION LINE, A DISTANCE OF 2642.26 FEET TO THE POINT OF BEGINNING CONTAINING 53.1810 ACRES.

ALSO:

A PART OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 2 EAST, WORTH TOWNSHIP, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS:

COMMENCING AT THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 19; THENCE SOUTH 00 DEGREES 07 MINUTES 28 SECONDS WEST, ALONG THE QUARTER SECTION LINE AND THE APPROXIMATE CENTERLINE OF COUNTY ROAD 650 EAST, A DISTANCE OF 640.57 FEET TO THE POINT OF BEGINNING; THENCE NORTH 88 DEGREES 47 MINUTES 46 SECONDS EAST, A DISTANCE OF 431.81 FEET; THENCE SOUTH 00 DEGREES 28 MINUTES 24 SECONDS WEST, ALONG THE NORTH DESCRIBED LINE OF THE HASHMAN PROPERTY AS RECORDED IN DEED RECORD 247, PAGE 788, A DISTANCE OF 123.11 FEET; THENCE NORTH 05 DEGREES 48 MINUTES 42 SECONDS WEST, ALONG SAID HASHMAN PROPERTY, A DISTANCE OF 32.75 FEET; THENCE NORTH 89 DEGREES 50 MINUTES 44 SECONDS WEST, ALONG THE NORTHERNMOST BOUNDARY OF SAID HASHMAN PROPERTY, A DISTANCE OF 307.16 FEET; THENCE NORTH 00 DEGREES 07 MINUTES 28 SECONDS EAST, ALONG THE APPROXIMATE CENTERLINE OF COUNTY ROAD 650 EAST, A DISTANCE OF 145.00 FEET TO THE POINT OF BEGINNING CONTAINING 1.5795 ACRES.

EXCEPTING THEREFROM:
A PART OF THE NORTH HALF OF THE NORTHEAST QUARTER OF THE SOUTHEAST QUARTER OF SECTION 19, TOWNSHIP 18 NORTH, RANGE 2 EAST, BOONE COUNTY, INDIANA, MORE FULLY DESCRIBED AS:
BEGINNING AT THE NORTHEAST CORNER OF SAID SOUTHEAST QUARTER, THENCE SOUTH 0 DEGREES 49 MINUTES 35 SECONDS EAST 655.19 FEET (655.19 FEET BY INSTRUMENT NUMBER 20100000995) ALONG THE EAST LINE OF SAID SECTION TO THE SOUTHEAST CORNER OF SAID HALF-QUARTER SECTION; THENCE SOUTH 88 DEGREES 21 MINUTES 11 SECONDS WEST 165.02 FEET ALONG THE SOUTH LINE OF SAID HALF-QUARTER SECTION; THENCE NORTH 0 DEGREES 49 MINUTES 35 SECONDS WEST 615.52 FEET; THENCE NORTHERLY 39.98 FEET ALONG AN ARC TO THE RIGHT HAVING A RADIUS OF 250.00 FEET AND EXTENDED WEST A LONG CHORD HAVING A BEARING OF NORTH 0 DEGREES 28 MINUTES 58 SECONDS WEST AND A LENGTH OF 39.98 FEET TO THE NORTHWEST CORNER OF SAID NORTH HALF QUARTER; THENCE NORTH 88 DEGREES 47 MINUTES 46 SECONDS EAST 431.81 FEET ALONG SAID NORTH LINE TO THE POINT OF BEGINNING AND CONTAINING 2.482 ACRES, MORE OR LESS.

LAND DESCRIPTION BASED UPON SURVEY

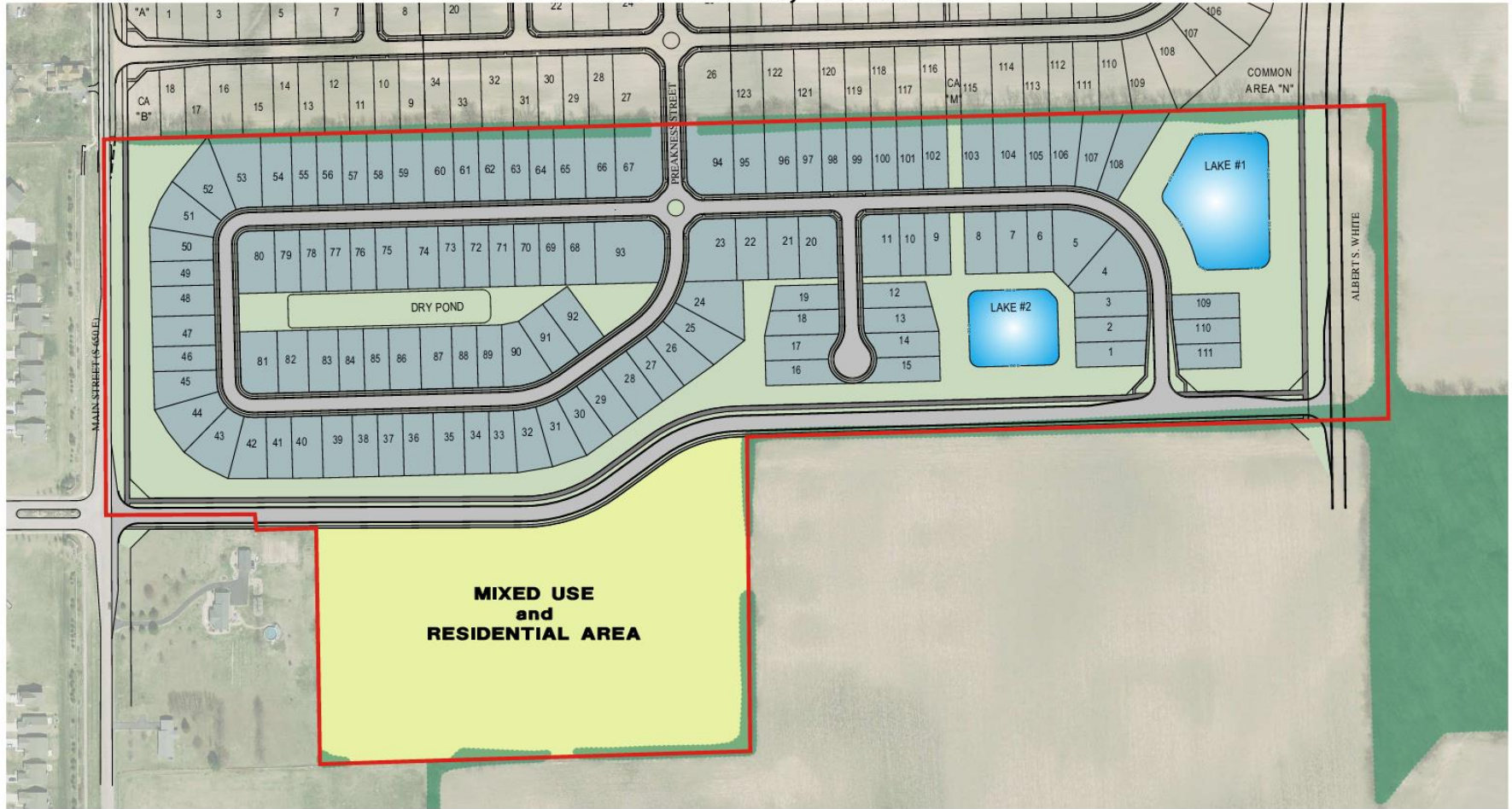
A part of the Southeast Quarter of Section 19, Township 18 North, Range 2 East of the Second Principal Meridian, Worth Township, Boone County, Indiana more particularly described as follows:

BEGINNING at the northwest corner of said Southeast Quarter Section, being marked by a Harrison monument per Boone County Surveyor reference ties; thence North 88 degrees 27 minutes 01 second East (grid bearings based on Indiana State Plane West Zone) along the north line of said Southeast Quarter Section a distance of 2,478.04 feet to a point of curvature of a non-tangent curve to the left having a radius 3,280.00 feet and chord bearing of South 00 degrees 28 minutes 44 seconds East and distance of 40.04 feet, said point being on the west right-of-way line of Albert S. White Drive as described in Instrument Number 20160005092 as recorded in the Office of the Recorder, Boone County, Indiana; thence southerly along said curve and west right-of-way line an arc distance of 40.04 feet; thence South 00 degrees 49 minutes 43 seconds East along said west right-of-way line a distance of 615.52 feet to the south line of the North Half of the Northeast Quarter of said Southeast Quarter Section; thence South 88 degrees 21 minutes 11 seconds West along said south line a distance of 1159.35 feet to the southwest corner of said North Half Quarter-Quarter Section; thence South 00 degrees 34 minutes 23 seconds East along the east line of the Northwest Quarter of said Southeast Quarter Section a distance of 657.56 feet to the southeast corner of said Quarter-Quarter Section; thence South 88 degrees 15 minutes 21 seconds West along the south line of said Quarter-Quarter Section a distance of 888.43 to the east line of a tract of land described in Instrument Number 20130000937, the following four (4) courses being along the east and north lines of said tract: (1) North 00 degrees 55 minutes 01 second West a distance of 493.55 feet; (2) South 88 degrees 17 minutes 05 seconds West a distance of 123.11 feet; (3) North 06 degrees 15 minutes 19 seconds West a distance of 32.75 feet; (4) South 89 degrees 42 minutes 39 seconds West a distance of 307.16 feet to the west line of said Southeast Quarter Section; thence North 00 degrees 19 minutes 09 seconds West along said west line a distance of 785.57 feet to the POINT OF BEGINNING, containing 52.293 acres, more or less.

EXHIBIT B

CONCEPT PLAN WHITESTOWN, INDIANA

NOT TO SCALE

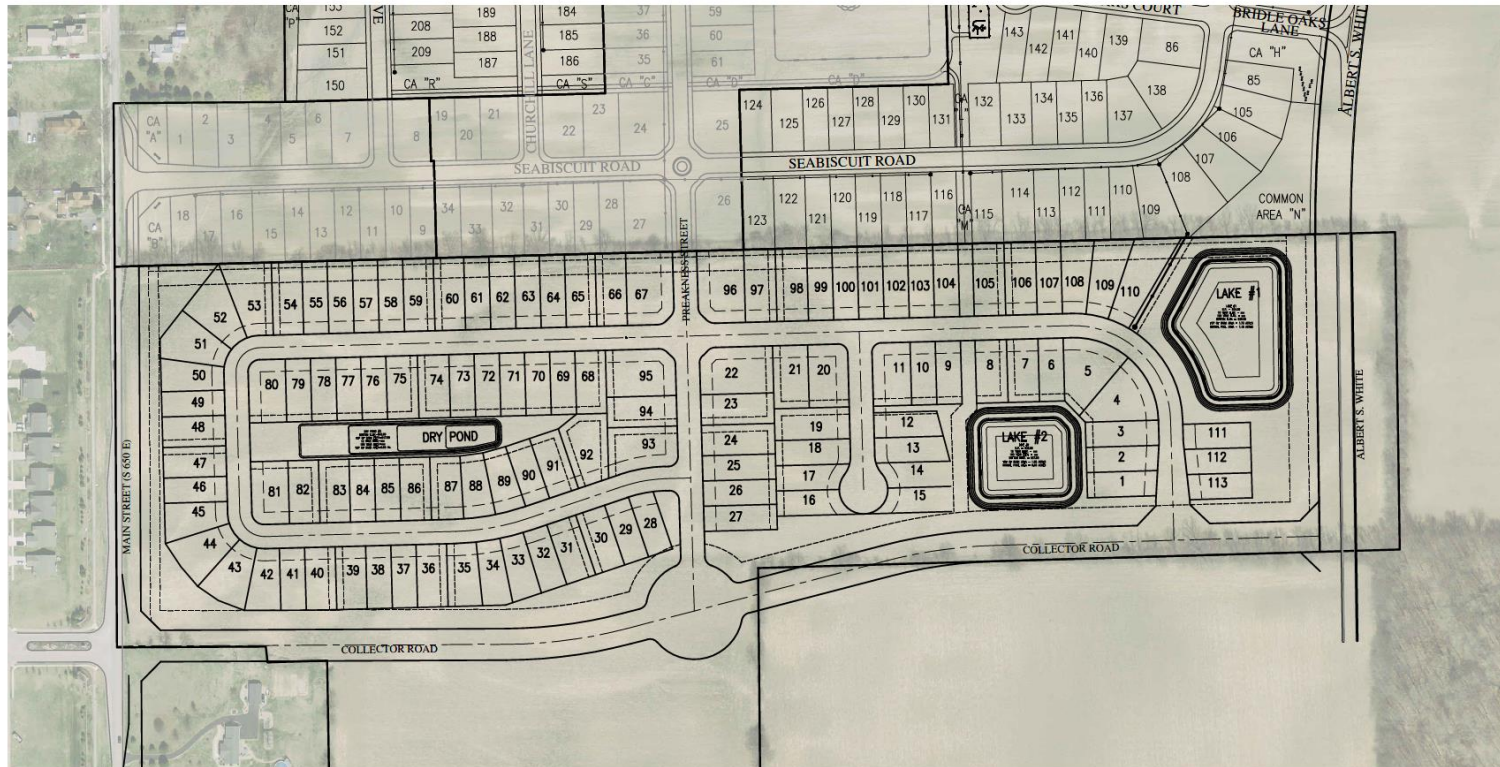


Plot Date: Jan 05, 2021 Plot Time: 5:00pm File Name: W:\Projects\Home\2020\00542_Plan_Whitestown_B.mxd State: Output Reference: Input Data: B: Bill Property MColor: E: Area: Area: Layout: Project: Analysis: Model: By: Administrator

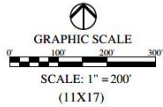


CONCEPT PLAN
WHITESTOWN, INDIANA
JANUARY 5, 2021

Plot Date: Feb. 08, 2021 Plot Time: 12:27pm File Name: W:\Other Items\2021-2022-2\Plot - Whitestown BSU Block\Drawings\2021-2022-2\Layout - Layout - LAYOUT F with Area1.dwg Drawn by: gromerh@hwc.com



113 LOTS (52' x 130')



BRIDAL OAKS (BSU PARCEL)
LAYOUT F
WHITESTOWN, INDIANA
JANUARY 5, 2021

