

ORDINANCE NO. 2020-33

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

Zoning Map Amendments
PC20-043-ZA

WHEREAS, the Petitioner, Braun Property Development, LLC, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 64.31 acres, more or less, in the Town of Whitestown, Indiana, **from the AG (Agriculture) Zoning Classification to the R3 (Medium Density Single Family 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 7-0 vote, on October 19, 2020; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on October 19, 2020; 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.

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

Section 1. That the Applicant and Owner is Braun Property Development, LLC.

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 AG (Agriculture) Zoning Classification, rezoned to the R3 (Medium Density Single Family Residential) Zoning Classification.

Section 3. In order to induce the Town Council and as a condition of granting the requested rezone of the Property, the Applicant has made certain written commitments attached hereto as Exhibit B and incorporated herein as a part of this Ordinance ("Commitments"). The rezone is subject to and contingent upon the Commitments. The Applicant shall further record this Ordinance and the Commitments in the chain of title for the Property.

Section 4. 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 5. That the Town Council hereby adopts the amendment to the zoning map with respect to the Property, such that the Property is rezoned to the R3 (Medium Density Single Family Residential) Zoning Classification, subject to the Commitments.

Section 6. 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 _____ day of _____, 2020, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Clinton Bohm, President

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Brittany Garriott, Town Planner

Exhibit A

Legal Description

Part of the Northeast Quarter of Section 18, Township 18 North, Range 2 East, Worth Township, Boone County, Indiana described as follows:

Beginning at the Northeast corner of the Northeast Quarter of said Section 18; thence along the approximate center line of County Road 700 East and the Section line South 00 degrees 28 minutes 20 seconds East (assumed bearing) 1454.23 feet; thence along a North described line of the Ronald R. Good & Michael E. Good Property recorded as Instrument Number 0321525, Boone County Recorder's Office, South 88 degrees 02 minutes 08 seconds West 1323.38 feet; thence along an East described line of the Allen's Acres Subdivision Property recorded in Plat Book 4, Page 163 North 00 degrees 32 minutes 15 seconds West 131.68 feet; thence along a North described line of said Allen's Acres Subdivision Property South 88 degrees 02 minutes 08 seconds West 664.25 feet; thence along an East described line of the Kenneth L. Allen and Carol J. Allen Property recorded in Deed Record 226, Pages 77-78 North 00 degrees 35 minutes 46 seconds West 1319.69 feet; thence along the approximate center line of County Road 200 South and the Section line, North 87 degrees 57 minutes 20 seconds East 1990.70 feet to the Point of Beginning. (Containing approximately 64.310 acres)

Exhibit B

ZONING COMMITMENT


Case No. PC20-043-ZA

1. The wooded area located along portions of the western and southern borders of the site shall not be developed with home sites and shall be preserved as common area.

Braun Property Development, LLC

By: 
Steve Braun
Title: Managing Member

Braun Property Development, LLC

By: 
Brian J. Tuohy
Title: Attorney