

ORDINANCE NO. 2022-13

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

Zoning Map Amendments
PC22-017-ZA

WHEREAS, the Petitioner, Milhaus, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 24.74 acres, more or less, in the Town of Whitestown, Indiana, **from the General Business (GB) Zoning Classification to the Mixed Use Commercial, Office, and Residential (MU-COR) 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 March 14, 2022; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on March 14, 2022; 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 is Milhaus on behalf of Town of Whitestown Redevelopment per Adam Hess, Owner.
- Section 2.** That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the General Business (GB) Zoning Classification to the Mixed Use Commercial, Office, and Residential (MU-COR) 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 adopts the amendment to the zoning map with respect to the Property, such that the Property is rezoned to Mixed Use Commercial, Office, and Residential (MU-COR) Zoning Classification.

Section 5. 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 _____, 2022, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Clinton Bohm, President

Rob Worl

Susan Austin, Vice President

Jeff Wishek

Eric Miller

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Jill Conniff, Planning Staff

Exhibit A

Legal Description

A PART OF THE SOUTHEAST QUARTER OF SECTION 1, TOWNSHIP 17 NORTH, RANGE 1 EAST AND A PART OF THE SOUTHEAST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, LOCATED IN COUNTY AS SHOWN ON A SURVEY COMPLETED BY TERRY D. WRIGHT, PS # 9700013, PROJECT #2021-0045, DATED DECEMBER 17,2021 AND BEING MORE PARTICULARLY DESCRIBED AS FOLLOWS:

BEGINNING AT THE SOUTHEAST CORNER OF THE SOUTHEAST QUARTER OF SAID SECTION 1, THENCE SOUTH 87 DEGREES 10 MINUTES 57 SECONDS WEST STATE PLANE (INDIANA-WEST) ON AND ALONG THE SOUTH LINE OF SAID QUARTER SECTION 1772.94 FEET; THENCE NORTH 24 DEGREES 16 MINUTES 03 SECONDS EAST 561.20 FEET TO THE SOUTH LINE OF TRADER'S POINT CHRISTIAN CHURCH AS RECORDED IN INSTRUMENT # 200700001514 ; THENCE NORTH 87 DEGREES 06 MINUTES 30 SECONDS EAST ALONG SAID SOUTH LINE 919.15 FEET TO THE SOUTHEAST CORNER OF SAID PARCEL OF LAND AND THE SOUTHERLY CORNER OF TRADER'S POINT CHRISTIAN CHURCH INSTRUMENT #2004013634; THENCE NORTH 31 DEGREES 55 MINUTES 17 SECONDS EAST ALONG THE SOUTHERLY LINE OF SAID PARCEL 382.57 FEET; THENCE NORTH 50 DEGREES 52 MINUTES 33 SECONDS EAST CONTINUING ALONG SAID SOUTH LINE 258.80 FEET TO THE NORTHWEST CORNER TO THE TOWN OF WHITESTOWN INDIANA AS RECORDED IN INSTRUMENT #20190009874; THENCE SOUTH 40 DEGREES 34 MINUTES 48 SECONDS EAST ALONG THE WEST LINE OF SAID PARCEL 470.00 FEET; THENCE NORTH 50 DEGREES 52 MINUTES 33 SECONDS EAST ALONG THE SOUTH LINE OF THE SAID PARCEL 393.81 FEET; THENCE SOUTH 20 DEGREES 16 MINUTES 49 SECONDS WEST 29.04 FEET; THENCE SOUTH 48 DEGREES 14 MINUTES 45 SECONDS WEST 232.24 FEET TO THE BEGINNING OF A CURVE TO THE LEFT WITH A RADIUS OF 470.00 FEET, AND BEING SUBTENDED BY CHORD BEARING OF SOUTH 03 DEGREES 14 MINUTES 45 SECONDS WEST AND A CHORD DISTANCE OF 664.68 FEET, HAVING A CENTRAL ANGLE OF 90 DEGREES 00 MINUTES 00 SECONDS; THENCE ALONG SAID CURVE AN ARC DISTANCE OF 738.27 FEET; THENCE SOUTH 88 DEGREES 22 MINUTES 17 SECONDS WEST 171.26 FEET TO THE POINT OF BEGINNING OF THIS DESCRIBED PARCEL, CONTAINING 24.744 ACRES MORE OR LESS.