

ORDINANCE NO. 2022- 18

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

Zoning Map Amendments
PC22-001-ZA

WHEREAS, the Petitioner, Ambrose Property Group, LLC per Brian J Tuohy, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 87.63 acres, more or less, in the Town of Whitestown, Indiana, **from the Anson Planned Unit Development (PUD) Zoning Classification to the Light Industrial (I-1) 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 subject to certain commitments to which petitioner agreed, by a 7-0 vote, on April 11, 2022; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on April 11, 2022 subject to the same commitments; 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 Ambrose Property Group, LLC per Brian J Tuohy on behalf of CPF Farms, LLC, Donald & Virginia Clark, and Gene & Crystal Clark, Owners.
- Section 2.** That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the Anson Planned Unit Development (PUD) Zoning Classification to the Light Industrial (I-1) 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 Light Industrial (I-1) Zoning Classification.

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

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Clinton Bohm, President

Rob Worl

Eric Miller, Vice President

Jeff Wishek

Susan Austin

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Jill Conniff, Planning Staff

Exhibit A

Legal Description

A part of the northwest quarter of Section 36, Township 18 North, Range 1 East, situated in Perry Township, Boone County, Indiana; and being more particularly described, as follows:

Beginning at the Northwest corner of said Northwest Quarter, being a Harrison Monument; thence North 88 degrees 46 minutes 32 seconds East (basis of bearing = Indiana State Plane Coordinate System – West Zone), along the North line of said quarter, 375.16 feet to a point on the south right of way line of County Road E. 500 S., said point also a point on a non-tangent curve to the left having a radius of 532.04 feet, the radius point of which bears North 19 degrees 42 minutes 20 seconds East; thence southerly along said curve an arc distance of 196.72 feet to a point which bears South 01 degrees 28 minutes 44 seconds East from said radius point to a point on the south right of way of County Road E. 500 S.; thence North 88 degrees 46 minutes 22 seconds East a distance of 2117.25 feet to the East line of the northwest quarter; thence South 00 degrees 54 minutes 28 seconds East a distance of 1476.07 feet along said east line; thence South 89 degrees 02 minutes 14 seconds West a distance of 1471.79 feet; thence North 47 degrees 17 minutes 21 seconds West a distance of 45.35 feet ; thence South 89 degrees 02 minutes 14 seconds West a distance of 716.11 feet to a point on the north right of way line of Perry Worth Road thence North 46 degrees 13 minutes 49 seconds West, along said north right of way line, a distance of 651.37 feet to the West line of said section; thence North 00 degrees 58 minutes 09 seconds West along said West line a distance of 1009.06 feet to the Point of Beginning.


Containing 87.63 acres, more or less.

Exhibit B

Commitments

1. Petitioner agrees that for buildings that are constructed adjacent to CR 500 South, there shall be no trailer parking areas between the north façade of the building and CR 500 South and that no loading dock berths shall be located on building facades facing and parallel to CR 500 South.
2. The site shall be developed with not less than two (2) primary buildings of which no single building shall be less than One Hundred Thousand (100,000) square feet in size.
3. Development on the site shall comply with Section 11.8 C. of the I-65 Anson PUD Ordinance (Ordinance No. 2004-10).

AMBROSE PROPERTY GROUP, LLC

By:  _____

Date: 5/2/2022

Printed: Grant Goldman

Title: Authorized Representative