

ORDINANCE NO. 2022- 20

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

Zoning Map Amendments
PC22-025-ZA

WHEREAS, the Petitioner, Citimark Realty Partners, LLC, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone **approximately 15 acres, more or less, in the Town of Whitestown, Indiana, from the Boone County General Agriculture (AG) Zoning Classification to the Whitestown Multi-family (MF) Zoning Classification and approximately 81.28 acres from the Boone County General Agriculture (AG) Zoning Classification to the Whitestown 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 Citimark Realty Partners, LLC on behalf of Gloria Groover, William Maltby & Stacia Groover Maltby, and Christopher Howard, Owners.

Section 2. That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the Boone County General Agriculture (AG) Zoning Classification to the Whitestown Multi-family (MF) and Light Industrial (I-1) Zoning Classifications. Specifically, there are three parcels of real estate within the area to be rezoned. The applicant seeks the two southern-most parcels to be rezoned from Boone County General Agriculture (AG) Zoning Classification to the Whitestown Light Industrial (I-1) Zoning Classification. The applicant then seeks to split the northern most parcel into two separate zoning districts with the northern most portion of that parcel being rezoned from Boone County General Agriculture (AG) Zoning Classification to the Whitestown Mutli-family (MF) Zoning

Classification. A Map showing these areas is attached hereto as Exhibit B, and the Applicant shall prepare legal descriptions, subject to approval of the Whitestown Planning Department, describing the split. Such legal descriptions shall be recorded contemporaneous with this Ordinance and Commitments discussed in Section 3 below;

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 C 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 (along with the legal description of the zone split of the northern most parcel) 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 Multi-Family (MF) and Light Industrial (I-1) Zoning Classifications as generally depicted in Exhibit B and as described in Section 2 of this Ordinance.

Section 6. This Ordinance shall be in full force and effect from and after completion of each of the following: passage of this Ordinance, presentation of proof by Petitioner to the Town that this Ordinance, the legal descriptions, and the Commitments have been recorded, and annexation of the Property by the Town of Whitestown.

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

Instrument No. 200900007093

Part of the Southeast Quarter of the Northwest Quarter of Section 23, Township 18 North, Range 1 East, Worth Township, Boone County, Indiana, and more fully described as follows:

Commencing at the Southeast corner of the Northwest Quarter of void Section 23; thence along the approximate centerline of County Road 450 East and the Quarter Section line, North 00°11'56" West 11.96 feet to the point of beginning; thence South 88° 44'10" West 1326.65 feet; thence along part of the East described line of the Paul J. Groover and Rozella Groover Property recorded in Deed Record 137, page 568, Boone County Recorder's Office and the Quarter- Quarter Section line, North 00°16'35" West 492. 47 feet; thence North 88°44'10" East 1327.32 feet; thence along the approximate centerline of County Road 450 East and the Quarter Section line, South 00°11'56 East 492.48 feet to the point of beginning, containing 15.000 acres, more or less.

Instrument No. 2004003924

A part of the West Half of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, being more particularly described as follows:

Commencing at the North west corner of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, thence South 00 degrees 21 minutes 14 seconds East (Assumed Bearing) along the West line of said quarter section 1216.77 feet to the Point of Beginning of the following described parcel: Thence North 89 degrees 03 minutes 51 seconds East parallel with the North line of said quarter 261.13 feet; thence South 00 degrees 19 minutes 30 seconds East 239.73 feet; thence North 89 degrees 03 minutes 51 seconds East parallel with said north line 1067.06 feet to a point on the East line of the West Half of said North next Quarter section; thence South 00 degrees 16 minutes 37 seconds East along said east line 1205.26 feet to the Southeast corner of said next half, thence South 89 degrees 00 minutes 04 seconds West along the south line of said quarter 1326.47 feet to the Southwest corner of said quarter; thence North 00 degrees 21 minutes 14 seconds West along the next line of said Northwest quarter 1446.43 feet to the Point of Beginning. Containing 38.181 Acres, more or less.

Instrument No. 201300001155

A part of the West Half of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, being more particularly described as follows:

Beginning of the North next corner of the Northwest Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Worth Township of Boone County, Indiana, thence North 89 degrees 03 minutes 51 seconds East (Assumed Bearing) along the North line of said quarter section 1330.03 feet to the Northeast corner of said west half; thence South 00 degrees 16 minutes 37 seconds East along the East line of said west half 1456.52 feet; thence South 89 degrees 03 minutes 51 seconds West parallel with said north line 1067.06 feet; thence North 00 degrees 19 minutes 30 seconds West 239.73 feet; thence South 89 degrees 03 minutes 51 seconds West parallel with said north line 261.13 feet to a point on the West line of said quarter section; thence North 00 degrees 21 minutes 14 seconds West along said west line 1216.77 feet to the Point of Beginning. Containing 43.00 Acres, more or less

Exhibit B

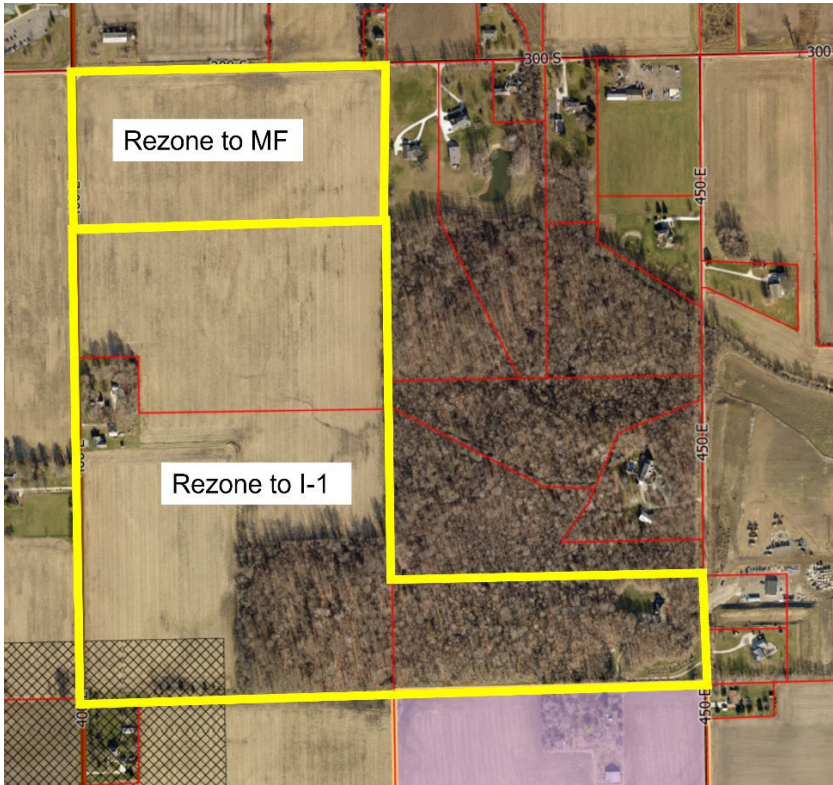
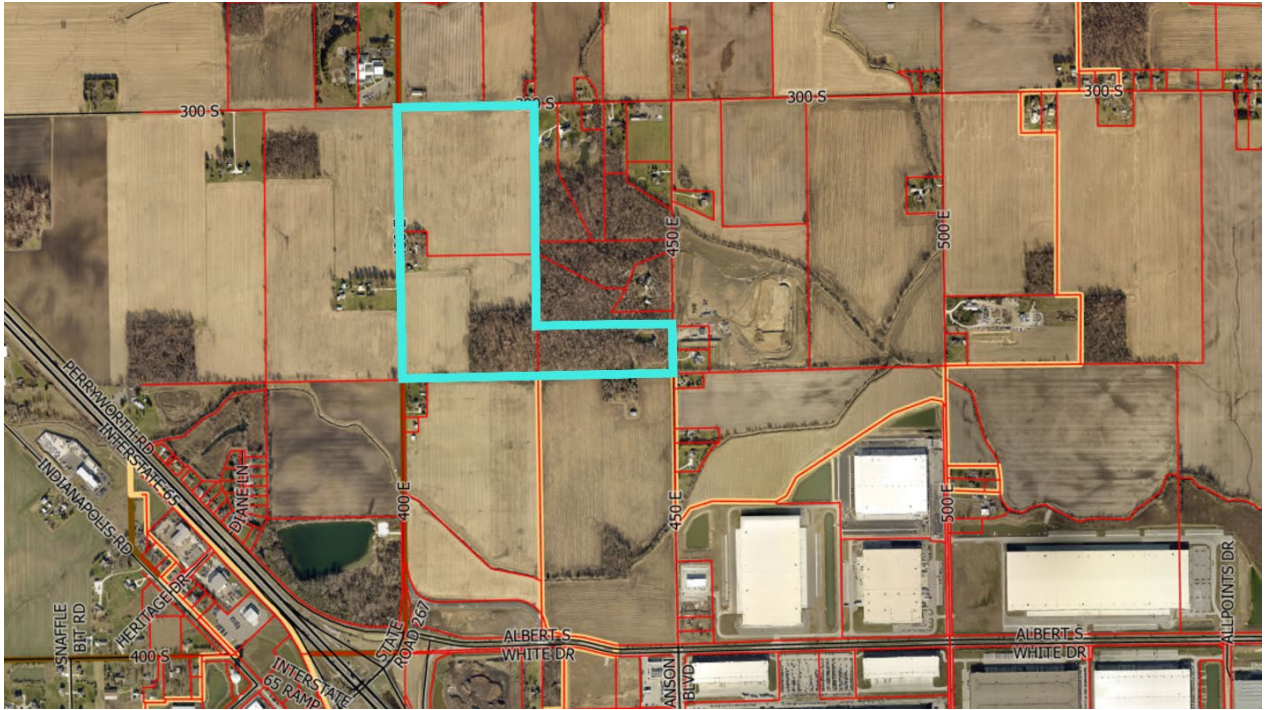


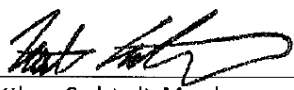
Exhibit C

Commitments

1. The applicant will work with adjacent property owners located at 4281 CR 300 S and 4323 CR 300 S in Whitestown to agree on a reasonable and appropriate screening/buffering plan, which may include landscaping, with a berm or fence, or a combination thereof, so long as the initial height is at least eight feet (8') in height, measured from grade ("the Buffer"). The proposed Buffer will be constructed in phase one of the overall development. The proposed Buffer will be constructed along the eastern property boundary of the site in question beginning at the north edge of the woods going north towards CR 300 S.

Submitted by Applicant in conjunction with
PC-22-025-ZA

Citimark Realty Partners, LLC

By: 
Matthew Carlstedt, Member