

ORIGINAL

**ORDINANCE NO. 2022-12**

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

Zoning Map Amendments  
PC22-015-ZA

WHEREAS, the Petitioner, Patch Development, LLC per Brian J Tuohy, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 53.27 acres, more or less, in the Town of Whitestown, Indiana, **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 March 14, 2022; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on March 14, 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 Patch Development, LLC per Brian J Tuohy on behalf of Larry & Violet Hackett and Nathaniel & Tracie Pletcher, 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 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 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 Light Industrial (I-1) Zoning Classification.


**Section 5.** 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 and the Commitments have been recorded, and annexation of the Property by the Town of Whitestown.

ALL OF WHICH IS ADOPTED this 13th day of April, 2022, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

DocuSigned by:  
  
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Clinton Bohm, President

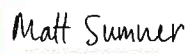
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Rob Worl

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Susan Austin, Vice President

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Jeff Wishek

  
Eric Miller

ATTEST:

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Matt Sumner, Town Clerk-Treasurer

*Ordinance prepared by Jill Conniff, Planning Staff*

## Exhibit A

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### Legal Description

Survey Description for Properties contained in Deed Book 237, Page 987 & Instrument #2017008501, Inclusive, recorded in the Office of the Recorder of Boone County, Indiana

Part of the Southeast Quarter of Section 23, Township 18 North, Range 1 East of the Second Principal Meridian in Boone County, Indiana, being described as follows:

**Beginning** at the northeast corner of said quarter section; thence along the east line of said quarter section South 00 degrees 55 minutes 21 seconds East (grid bearing based on said Indiana State Plane West Zone) 420.20 feet (all distances in this description are horizontal ground distances) to the northeast corner of a tract of land described in Instrument Number 2018001633 recorded in the Office of the Recorder of Boone County, Indiana; thence along the north line of said tract North 35 degrees 28 minutes 56 seconds West 44.95 feet to the northeast corner of a tract of land described in Instrument Number 2020007436 recorded in the Office of said Recorder (the next six courses being along the northerly lines of said tract); (1) thence continuing North 35 degrees 28 minutes 56 seconds West 24.52 feet; (2) thence North 79 degrees 59 minutes 34 seconds West 102.92 feet; (3) thence South 69 degrees 32 minutes 41 seconds West 394.47 feet; (4) thence South 56 degrees 39 minutes 40 seconds West 1,135.54 feet; (5) thence South 27 degrees 42 minutes 39 seconds West 207.69 feet; (6) thence South 60 degrees 22 minutes 06 seconds West 114.15 feet to a northerly corner of a tract of land described in Instrument Number 2020008597 recorded in the Office of said Recorder (the next three course being along the northerly lines of said tract); (1) thence North 89 degrees 34 minutes 47 seconds West 623.98 feet; (2) thence South 72 degrees 21 minutes 44 seconds West 229.39 feet; (3) thence South 35 degrees 21 minutes 30 seconds West 233.69 feet to the west line of said quarter section; thence along said quarter section line North 00 degrees 40 minutes 57 seconds West 531.64 feet to the southwest corner of a tract of land as described in Instrument Number 020281 recorded in the Office of said Recorder; thence along the south line of said tract North 89 degrees 11 minutes 35 seconds East 215.51 feet to the southeast corner of said tract and the center of Fishback Creek the next two courses being along the easterly lines of said tract and the center of Fishback Creek); (1)thence North 26 degrees 28 minutes 32 seconds East 231.95 feet; (2) thence North 53 degrees 37 minutes 26 seconds East 126.97 feet to the northeast corner of said tract and the southeast corner of a tract of land as described in Instrument Number 2020014148 recorded in the Office of said Recorder (the next two courses being along the east and north lines of said tract); (1) thence leaving said center of creek, North 00 degrees 40 minutes 57 seconds West 141.50 feet; (2) thence South 89 degrees 11 minutes 35 seconds West 424.50 feet to the west line of said quarter section; thence along said quarter section line North 00 degrees 40 minutes 57 seconds West 573.50 feet to the northwest corner of said quarter section; thence along the north line of said quarter section North 88 degrees 20 minutes 03 seconds East 2,646.08 feet to the **Point of Beginning**. Containing 53.273 acres more or less.

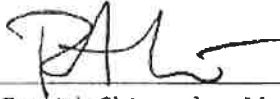
## Exhibit B

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### Commitments

1. Approximately 10.1 acres, more or less, of the described area will be developed and the remaining acreage will remain undeveloped. The applicant will submit a legal description of the area to be developed with any future Plan Commission application.

**PATCH DEVELOPMENT, LLC**



By: Patrick Chittenden, Manager

Date:

3/23/22