

ORDINANCE NO. 2023-1

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

Zoning Map Amendments
PC22-070-ZA

WHEREAS, the Petitioner Braun Property, LLC. On behalf of owner Hayley Goode filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 23.75 acres, more or less, in the Town of Whitestown, Indiana, **from the General Agriculture (AG) Zoning Classifications to the High-Density Mixed Residential (R4 Zoning Classification** in the Town of Whitestown, Indiana.

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 5-0 vote, on December 12, 2022; and

WHEREAS, the Whitestown Plan Commission certified favorable recommendation to the Whitestown Town Council on December 12, 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 Braun Property, LLC. on behalf of Hayley Goode, Owner.

Section 2. That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the General Agriculture (AG) to the High-Density Mixed Residential (R-4) Zoning Classification;

Section 3. In order to induce to 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 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 High-Density Mixed Residential (R-4) 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 8th day of January, 2023, by the Town Council of the Town of Whitestown, Indiana.

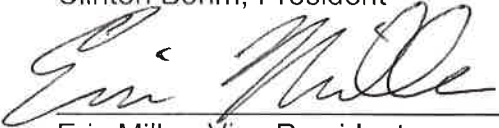
TOWN COUNCIL OF WHITESTOWN, INDIANA.

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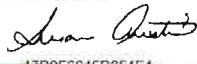
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Clinton Bohm, President

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Eric Nichols


Eric Miller, Vice President

Jeff Wishek

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Susan Austin

ATTEST:

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Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Desire Irakoze, Planning Staff

Exhibit A

Legal Description

A PART OF THE WEST HALF OF THE EAST HALF OF SECTION 18, TOWNSHIP 18 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, BOONE COUNTY, INDIANA, PER A DESCRIPTION PREPARED BY KAREN SUTTON, P.S. - INDIANA #LS21200013 OF WEIHE ENGINEERS, INC. AS PART OF A SURVEY PERFORMED UNDER JOB NO. W220312, DATED OCTOBER 5, 2022, AND DESCRIBED AS FOLLOWS: COMMENCING AT THE SOUTHWEST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE NORTH 00 DEGREES 38 MINUTES 31 MINUTES WEST ALONG THE WEST LINE OF SAID WEST HALF SECTION 1843.50 FEET TO THE POINT OF BEGINNING; THENCE CONTINUING NORTH 00 DEGREES 38 MINUTES 31 MINUTES WEST ALONG SAID WEST LINE 100.00 FEET; THENCE NORTH 88 DEGREES 02 MINUTES 58 MINUTES EAST 874.79 FEET TO THE WEST LINE OF PROPERTY RECORDED IN INSTRUMENT NUMBER 2020001238, THE FOLLOWING THREE (3) CALLS BEING ALONG THE WEST AND SOUTH LINES OF SAID PROPERTY; 1) THENCE SOUTH 00 DEGREES 33 MINUTES 26 MINUTES EAST 320.27 FEET; 2) THENCE SOUTH 55 DEGREES 30 MINUTES 08 MINUTES EAST 503.45 FEET TO THE SOUTH LINE OF THE SOUTHWEST QUARTER OF THE NORTHEAST QUARTER OF SAID SECTION 18; 3) THENCE NORTH 88 DEGREES 24 MINUTES 11 MINUTES EAST ALONG SAID SOUTH LINE 34.85 FEET TO THE NORTHEAST CORNER OF THE NORTHWEST QUARTER OF THE SOUTHEAST QUARTER OF SAID SECTION 18; THENCE SOUTH 00 DEGREES 30 MINUTES 02 MINUTES EAST 568.04 FEET ALONG THE EAST LINE OF SAID NORTHWEST QUARTER OF THE SOUTHEAST QUARTER, ALSO BEING THE WEST LINE OF PROPERTY RECORDED IN INSTRUMENT NUMBER 201901131, TO THE NORTH LINE OF PRAIRIE CHASE AT TRAILSIDE SUBDIVISION AS RECORDED IN PLAT BOOK 29, PAGE 46; THENCE SOUTH 88 DEGREES 11 MINUTES 15 MINUTES WEST ALONG SAID NORTH LINE 554.11 FEET TO THE SOUTHEAST CORNER OF PROPERTY RECORDED IN INSTRUMENT NUMBER 2016000508, THE FOLLOWING TWO (2) CALLS BEING ALONG THE EAST AND NORTH LINES OF SAID PROPERTY; 1) THENCE NORTH 03 DEGREES 57 MINUTES 45 MINUTES WEST 173.75 FEET; 2) THENCE SOUTH 87 DEGREES 39 MINUTES 16 MINUTES WEST 556.00 FEET TO THE SOUTHEAST CORNER OF PROPERTY RECORDED IN INSTRUMENT NUMBER 0316193; THENCE NORTH 00 DEGREES 36 MINUTES 20 MINUTES WEST 916.40 FEET TO THE NORTHEAST CORNER OF PROPERTY RECORDED IN DEED BOOK 216, PAGE 237; THENCE SOUTH 88 DEGREES 04 MINUTES 19 MINUTES WEST ALONG THE NORTH LINE OF SAID PROPERTY 200.05 FEET TO THE POINT OF BEGINNING. CONTAINING 23.841 ACRES, MORE OR LESS (1,038,494 Sq. Ft).

Exhibit B

Commitments

1. The applicant will provide a multi-use path from Main Street to the southeast portion of the property. The layout and connections are to be decided by the Whitestown Parks Department and the petitioner prior to the issuance of permits.

2. A SFR Community is defined as a single-family residential community where individual homes are (including attached townhomes) held for rent and not for sale. In the event the Real Estate or any portion thereof, is developed for an SFR Community, such Real Estate shall be subject to the following Commitments:
 - a) The homes shall be owned by a legal entity or partnership and not individuals (the "SFR Owner").
 - b) All lawns and mulch beds shall be maintained by the SFR Owner.
 - c) Each home in the SFR Community shall have an irrigated front yard.
 - d) The SFR Community shall be professionally managed and maintained by the SFR Owner, and its designees and contractors, and subject to the terms of Covenants, Conditions, and Restrictions, no less stringent than those applicable to an owner-occupied single-family residential community.
 - e) If any portion of the Real Estate is developed for an SFR Community, then such an SFR Community shall be comprised of contiguous areas and lots owned by the SFR owner with no intermingling of homes, areas, or lots owned by any other person or legal entity.

3. The maximum density of the development cannot exceed 4.03 dwelling units per acre.

BRAUN PROPERTY DEVELOPMENT, LLC



By: Adam Braun, President

Date:

12/29/22