

**ORDINANCE NO. 2023- 30**

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

Zoning Map Amendments  
PC23-048-ZA

WHEREAS, the Petitioner, Town of Whitestown, filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 20.74 acres, more or less, in the Town of Whitestown, Indiana, **from the Light Industry (I-1) Zone to the Mixed-Use Commercial, Office, and Residential (MU-COR) Zoning Classification.**

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined a favorable recommendation subject to certain commitments to which the petitioner agreed, by a 6-0 vote, on October 9, 2023; and

WHEREAS, the Whitestown Plan Commission certified a favorable recommendation to the Whitestown Town Council on October 9, 2023; 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 the Town of Whitestown and 7001 SI, LLC., Owners.
- Section 2.** That the Applicant seeks to have the described property attached hereto as Exhibit A, which is currently located in the Light Industry (I-1) Zoning Classification to the Mixed-Use Commercial, Office, and Residential (MU-COR) 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 the Mixed-Use Commercial, Office, and Residential (MU-COR) 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 \_\_\_\_\_, 2023, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

\_\_\_\_\_  
Eric Nichols, President

\_\_\_\_\_  
Tanya Sumner

\_\_\_\_\_  
Clinton Bohm, Vice President

\_\_\_\_\_  
Jeff Wishek

\_\_\_\_\_  
Susan Austin

ATTEST:

\_\_\_\_\_  
Matt Sumner, Town Clerk-Treasurer

*Ordinance prepared by Jill Conniff, Planning Staff*

# Exhibit A

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## Legal Description

Parcel ID(s): 06-04-06-000-001.003-021 and 06-04-06-000-001.001-021

**PARCEL 1:**

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, ALSO BEING A PORTION OF THE PROPERTY AS GRANTED TO STONEMOR INDIANA LLC ("STONEMOR TRACT"), RECORDED AS INSTRUMENT NUMBER 201000005762 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 59 MINUTES 57 SECONDS EAST (BASIS OF BEARINGS: INDIANA STATE PLANE, WEST ZONE, NAD 83) 1400.50 FEET ALONG THE SOUTH LINE OF SAID SECTION 6 TO THE EASTERN RIGHT-OF-WAY LINE OF SOUTH INDIANAPOLIS ROAD, COINCIDENT WITH THE WESTERN LINE OF SAID STONEMOR TRACT ("COMMON LINE") AND THE POINT OF BEGINNING OF THIS DESCRIPTION; THENCE NORTH 42 DEGREES 12 MINUTES 18 SECONDS WEST 45.77 FEET ALONG SAID COMMON LINE; THENCE NORTH 47 DEGREES 47 MINUTES 42 SECONDS EAST 200.00 FEET PERPENDICULAR TO SAID COMMON LINE; THENCE NORTH 42 DEGREES 12 MINUTES 18 SECONDS WEST 200.00 FEET PARALLEL WITH SAID COMMON LINE TO A POINT THEREON; THENCE NORTH 42 DEGREES 18 MINUTES 48 SECONDS WEST 49.35 FEET ALONG SAID COMMON LINE; THENCE NORTH 47 DEGREES 41 MINUTES 12 SECONDS 281.42 FEET PERPENDICULAR TO SAID COMMON LINE; THENCE SOUTH 54 DEGREES 42 MINUTES 16 SECONDS EAST 262.16 FEET TO THE EAST LINE OF THE SOUTHWEST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE NORTH 01 DEGREE 25 MINUTES 22 SECONDS WEST 353.00 FEET ALONG SAID EAST LINE; THENCE NORTH 88 DEGREES 34 MINUTES 38 SECONDS EAST 61.00 FEET PERPENDICULAR TO SAID EAST LINE; THENCE NORTH 01 DEGREE 25 MINUTES 22 SECONDS WEST 116.00 FEET PARALLEL WITH SAID EAST LINE; THENCE SOUTH 88 DEGREES 34 MINUTES 38 SECONDS WEST 61.00 FEET PERPENDICULAR TO SAID EAST LINE TO A POINT THEREON; THENCE NORTH 01 DEGREE 25 MINUTES 22 SECONDS WEST 609.77 FEET ALONG SAID EAST LINE TO THE NORTHEAST CORNER OF SAID SOUTHWEST QUARTER-QUARTER ALSO BEING THE NORTHWEST CORNER OF THE SOUTHEAST QUARTER OF THE SOUTHWEST QUARTER OF SAID SECTION 6; THENCE NORTH 89 DEGREES 53 MINUTES 38 SECONDS EAST 170.10 FEET (170.55 FEET - DEED) ALONG THE NORTH LINE OF SAID SOUTHEAST QUARTER-QUARTER, COINCIDENT WITH A NORTHERN BOUNDARY LINE OF SAID STONEMOR TRACT TO THE WESTERN RIGHT-OF-WAY LINE OF INTERSTATE 65 (PER STATE HIGHWAY PLANS I-PROJECT NUMBER 65-03-4(11), CODE 0346, DATED 1957 AND I-PROJECT NUMBER 65-3(1)126, CODE 0221, DATED 1958), AND THE POINT OF CURVATURE OF A NON-TANGENT CURVE CONCAVE TO THE SOUTHWEST, SAID POINT LYING NORTH 54 DEGREES 00 MINUTES 48 SECONDS WEST 22,818.31 FEET (22,819.06 FEET - DEED) FROM THE RADIUS POINT THERE OF (THE FOLLOWING THREE (3) COURSES ARE ALONG SAID WESTERN RIGHT-OF-WAY LINE AND THE EASTERN BOUNDARY LINES OF SAID STONEMOR TRACT); (ONE) THENCE SOUTHEASTERLY 780.88 FEET (787.41 FEET - DEED) TO ITS POINT OF TANGENCY, LYING NORTH 55 DEGREES 58 MINUTES 26 SECONDS EAST 22,818.31 (22,819.06 FEET - DEED) FROM SAID RADIUS POINT; (TWO) THENCE SOUTH 22 DEGREES 42 MINUTES 58 SECONDS EAST 101.98 (101.50); (THREE) THENCE SOUTH 30 DEGREES 47 MINUTES 26 SECONDS EAST 700.37 FEET (694.20 FEET - DEED) TO THE SOUTH LINE OF SAID SOUTHEAST

QUARTERQUARTER; THENCE NORTH 89 DEGREES 59 MINUTES 57 SECONDS WEST 1212.91 FEET (1213.34 FEET - DEED) ALONG SAID SOUTH LINE, COINCIDENT WITH THE SOUTHERN BOUNDARY LINE OF SAID STONEMOR TRACT TO THE POINT OF BEGINNING, CONTAINING 19.820 ACRES, MORE OR LESS.

PARCEL 2:

PART OF THE SOUTH HALF OF THE SOUTHWEST QUARTER OF SECTION 6, TOWNSHIP 17 NORTH, RANGE 2 EAST OF THE SECOND PRINCIPAL MERIDIAN, EAGLE TOWNSHIP, BOONE COUNTY, INDIANA, ALONG BEING A PORTION OF THE PROPERTY AS GRANTED TO STONEMOR INDIANA LLC ("STONEMOR TRACT"), RECORDED AS INSTRUMENT NUMBER 201000005762 IN THE OFFICE OF THE RECORDER OF BOONE COUNTY, INDIANA, MORE PARTICULARLY DESCRIBED AS FOLLOWS:

COMMENCING AT THE SOUTHWEST CORNER OF SAID SECTION 6; THENCE SOUTH 89 DEGREES 59 MINUTES 57 SECONDS EAST (BASIS OF BEARINGS: INDIANA STATE PLANE, WEST ZONE, NAD 83) 1400.50 FEET ALONG THE SOUTH LINE OF SAID SECTION 6 TO THE EASTERN RIGHT-OF-WAY LINE OF SOUTH INDIANAPOLIS ROAD, COINCIDENT WITH THE WESTERN LINE OF SAID STONEMOR TRACT ("COMMON LINE") (THE FOLLOWING TWO (2) COURSES ARE ALONG SAID COMMON LINE); (ONE) THENCE NORTH 42 DEGREES 12 MINUTES 18 SECONDS WEST 45.77 FEET TO THE POINT OF BEGINNING OF THIS DESCRIPTION; (TWO) THENCE CONTINUE NORTH 42 DEGREES 12 MINUTES 18 SECONDS WEST 200.00 FEET; THENCE NORTH 47 DEGREES 47 MINUTES 42 SECONDS EAST 200.00 FEET PERPENDICULAR TO SAID COMMON LINE; THENCE SOUTH 42 DEGREES 12 MINUTES 18 SECONDS EAST 200.00 FEET PARALLEL WITH SAID COMMON LINE; THENCE SOUTH 47 DEGREES 47 MINUTES 42 SECONDS WEST 200.00 FEET PERPENDICULAR TO SAID COMMON LINE TO THE POINT OF BEGINNING, CONTAINING 40,000.0 SQUARE FEET (0.918 ACRES), MORE OR LESS.

## Exhibit B

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### Commitments

1. The following uses are not permitted:
  - a. Landscape Contractor
  - b. Automobile Services, Light
  - c. Auto/Motorcycle/Boat/Light Truck Sales or Rentals
  - d. Service Station, Local
  - e. Contractors, Special Trade – General
  - f. Mini-storage facility
2. Manufacturing, Fabricating, & Assembly - General uses are still permitted. However, they are permitted under the amended limitation which states, 'the use must be located at least 500 feet from any residential district or residential use. This requirement may be reduced by the Administrator if the applicant can show a smaller separation will have no significant effect on the nearby residential district.'
3. The existing structure must be removed within 24 months upon receiving rezone approval. The structure is not permitted to remain on site or be incorporated into a future development.
4. Acceleration and deceleration lanes and a passing blister are required in accordance with the Public Works Town Construction Standards.