

ORDINANCE NO. 2024- 04

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

Zoning Map Change
PC24-007-ZA

WHEREAS, the Petitioner, Ricci Real Estate Holdings, LLC., filed its Zone Map Change Application before the Whitestown Plan Commission seeking to rezone approximately 3.87 acres, more or less, in the Town of Whitestown, Indiana, **from the R2 – Low-density Single-family & Two-family Residential zoning district to GB – General Business zoning district.**

WHEREAS, pursuant to Indiana Code § 36-7-4-604, the Whitestown Plan Commission conducted the required public hearing and determined a favorable recommendation by a 6-0-0 vote, on April 9, 2024; and

WHEREAS, the Whitestown Plan Commission certified a favorable recommendation to the Whitestown Town Council on April 19, 2024; 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 zoning map change.

IT IS THEREFORE CONSIDERED, ORDAINED, AND ADOPTED as follows:

- Section 1.** That the Applicant is Ricci Real Estate Holdings, LLC., on behalf of Jaclyn Ricci, Owner.
- Section 2.** That the Applicant seeks to have the described property, attached hereto as Exhibit A and generally depicted in Exhibit B (“Property”), rezoned from **R2 – Low-density Single-family & Two-family Residential zoning district to GB – General Business zoning district.**
- Section 3.** In order to induce the Town Council, 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 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 GB – General Business zoning district.

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 _____, 2024, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Dan Patterson, President

Cheryl Hancock

Tanya Sumner, Vice President

Tobe Thomas

Eric Nichols

ATTEST:

Matt Sumner, Town Clerk-Treasurer

Ordinance prepared by Allan Henderson, Planning Administrator

Exhibit A

Legal Description

Part of the southeast quarter of section 19, township 18 north, range 2 east, worth township, Boone County, Indiana, more fully described as follows:

Commencing at the southeast corner of the southeast quarter of said section 19; thence along part of the north described line of the Giles property recorded as instrument no. 0110687, Boone County Recorder's office, the south right of way of county road 400 south, and the section line, south 88 degrees 30 minutes 22 seconds west 528.89 feet to the point of beginning; thence continuing along the north described line of said Giles property, the south right of way of county road 400 south and the section line, south 88 degrees 30 minutes 22 seconds west 567.00 feet; thence north 02 degrees 15 minutes 17 seconds west 383.00 feet; thence north 88 degrees 30 minutes 22 seconds east 567.00 feet; thence south 02 degrees 15 minutes 17 seconds east 383.00 feet to the point of beginning, containing 4.9849 acres, more or less.

Excepting therefrom:

A part of the southeast quarter of section 19, township 18 north, range 2 east, Boone County, Indiana, and being that part of the grantors' land lying within the right-of-way lines depicted on the attached right-of-way parcel plat, marked exhibit "b", described as follows:

Beginning at a point on the south line of said section south 88 degrees 03 minutes 40 seconds west 528.89 feet from the southeast corner of said section, said southeast corner being designated as point "323" on said plat, which point of beginning is the southeast corner of the grantors' land; thence south 88 degrees 03 minutes 40 seconds west 567.00 feet along said south line to the southwest corner of the grantors' land; thence north 2 degrees 41 minutes 59 seconds west 56.62 feet along the west line of the grantors' land to point "645" designated on said parcel plat; thence north 88 degrees 03 minutes 40 seconds east 226.95 feet to point "646" designated on said parcel plat; thence north 1 degree 56 minutes 20 seconds west 20.00 feet to point "601" designated on said plat; thence northeasterly 352.59 feet along an arc to the left having a radius of 720.00 feet and subtended by a long chord having a bearing of north 74 degrees 01 minute 55 seconds east and a length of 349.08 feet to the east line of the grantors' land; thence south 2 degrees 41 minutes 59 seconds east 161.25 feet along said east line to the point of beginning and containing 1.108 acres, more or less, inclusive of the presently existing right-of-way which contains 0.260 acres, more or less.

Exhibit B

Property Map

6848 Albert S White Drive

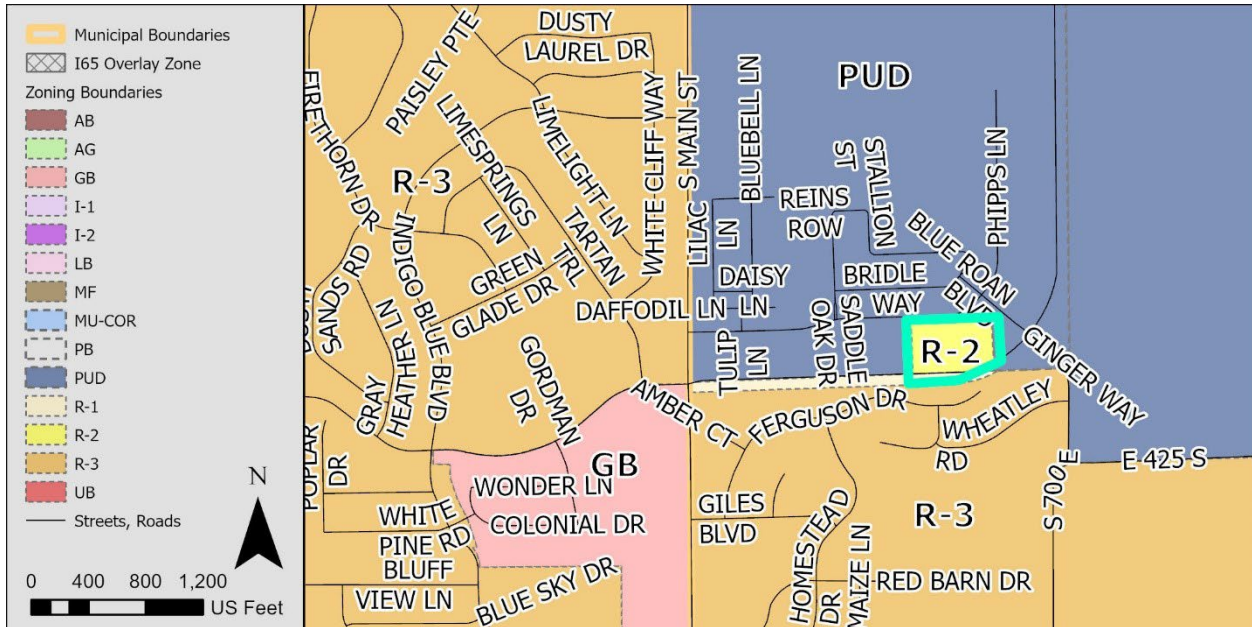


Exhibit C

Commitments

1. The approval of the Findings of Fact and Report of Determination by the Plan Commission.
2. The elimination of the existing driveway cuts onto Albert S White Drive at time of construction.
3. The elimination of drive-through business within Restaurant, Class B, Automobile Services, Heavy and Service Station, Local as permitted uses.
4. The building design meet the requirements set forth in the Bridle Oaks PUD ordinance (2020-12), specifically Exhibit 4 as it relates to architectural standards.
5. Provide an 11-foot easement along the southern boundary of the property/ northern edge of Albert S White Drive to create the multi-use trail as identified in the Thoroughfare Plan.