

ORDINANCE NO. 2015-_____

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

Zoning Map Amendments
PC15-009-ZA

WHEREAS, the Petitioner, CREST I, LLC filed its Zoning Amendment Application before the Whitestown Plan Commission seeking to rezone approximately 2.975 Acres, more or less, in the Town of Whitestown, Indiana, from I1- Light Industry to I2- General Industry; and

WHEREAS, pursuant to Indiana Code § 36-7-4-608, the Whitestown Plan Commission conducted the required public hearing and determined its favorable recommendation, by a 6-0 vote, on April 13, 2015; and

WHEREAS, the Whitestown Plan Commission certified its favorable recommendation to the Whitestown Town Council on May 12, 2015; 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 with the stated conditions of commitment (Covenant/Commitments), all as hereinafter set out.

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

Section 1. That the Applicant is CREST I, LLC.

Section 2. That the Applicant seeks to have the following described property, which is currently located in the I1- Light Industry rezoned to I2- General Industry:

See legal description attached hereto as Exhibit A and incorporated herein by reference.

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 Exhibit B – Deed Restrictions and Written Commitments Concerning the Use or Development of Real Estate Made in Connection with a Zone Map Change – is made part of this Ordinance.

Section 5. 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 _____, 2015, by the Town Council of the Town of Whitestown, Indiana.

TOWN COUNCIL OF WHITESTOWN, INDIANA.

Eric Miller, President

Dawn Semmler

Susan Austin

Julie Whitman

Kevin Russell

ATTEST:

Amanda Andrews, Town Clerk-Treasurer

Prepared by: Lauren Bailey

Exhibit A

Legal Description

Parcel Numbers: 0200435019

Lot 19 in Perry Industrial Park II- Section 2 an addition in Boone County, Indiana, as per plat thereof, recorded September 22, 2006, as instrument no. 200600010367, in the Office of the Recorder of Boone County, IND

Exhibit B
Commitments

**Commitments Concerning the Use and
Development of Real Estate**

STATE OF INDIANA)
) SS:
COUNTY OF BOONE)

Pursuant to IC §36-7-4-1015, CREST I, LLC (hereinafter, “Owner”) makes the following Commitments to the Whitestown Plan Commission regarding the hereinafter described Real Estate.

Description of Real Estate:

See Exhibit “A” attached hereto and incorporated herein.

Statement of Commitments:

1. That the following land uses normally permitted in the I2 district (by right or special exception) shall be prohibited on the subject site.
 - a. Municipal or Government Buildings or publicly owned park or Recreational Facility,
 - b. Auction Sales Yard (excluding Livestock)
 - c. Commercial Facility for Breeding Non-farm Fowl and/or Animals
 - d. Fuel Dealers
 - e. Junk Yard
 - f. Open Material Storage
 - g. Petroleum Tank Farms
 - h. Slaughter House
 - i. Outdoor Shooting Range (public or private)
 - j. Outdoor Theater or Stadium
 - k. Any Residential uses including customary home occupation (accessory use)
 - l. Day Care
 - m. Student Housing
 - n. Temporary Mobile Home.

2. That the owner shall provide adequate screening and maintenance of outdoor storage, so that there are no future violations of the Town’s ordinances regarding such outdoor storage.

Binding Effect:

These Commitments are binding on the owner of the Real Estate, each subsequent owner of the Real Estate, and each person acquiring an interest in the Real Estate, unless modified or terminated by operation of law or by the Whitestown Plan Commission or its successor.

Recording:

The undersigned authorizes the Director of the Whitestown Planning Department to record these Commitments in the Office of the Recorder of Boone County, Indiana, upon granting of the approval of Owner's proposed Development Plan for Docket PC15-009-ZA.

Enforcement:

These Commitments may be enforced by the Whitestown Plan Commission.

IN WITNESS WHEREOF, Owner executed these Commitments this _____ day of _____, 20_.

By _____

Title _____

Printed _____

STATE OF INDIANA)
)
COUNTY OF _____)

Before me, the undersigned, a Notary Public in and for said County and State, personally appeared [OWNER], who acknowledged the execution of the foregoing Commitments.

WITNESS my hand and Notarial Seal this _____ day of _____, 20__.

Signed: _____

Printed: _____

Notary Public

My Commission Expires:

My County of Residence is:

This instrument was prepared by John R. Molitor, Attorney at Law.

“I, affirm, under the penalties for perjury, that I have taken reasonable care to redact each social security number in this document, unless required by law.”

Name: John R. Molitor