

TOWN COUNCIL

ORDINANCE NO. 11-2011

AN ORDINANCE TO AMEND
THE PLAINFIELD ZONING ORDINANCE AND ZONE MAP
OF THE TOWN OF PLAINFIELD, INDIANA,
AND FIXING A TIME WHEN
THE SAME SHALL TAKE EFFECT

WHEREAS, I.C. 36-7-4, et seq., empowers the Town of Plainfield Plan Commission to hold public hearings and make recommendations to the Town Council of the Town of Plainfield concerning ordinances for the zoning or districting of all lands within the incorporated areas of the Town of Plainfield; and,

WHEREAS, the Town of Plainfield Plan Commission has conducted a public hearing in accordance with I.C. 36-7-4, et seq., with respect to a proposal to amend the Plainfield Zoning Ordinance and Zone Map of the Town of Plainfield, Indiana, and has certified such proposal to the Town Council of the Town of Plainfield with a favorable recommendation:

**NOW, THEREFORE, BE IT ORDAINED BY THE
TOWN COUNCIL OF THE TOWN OF PLAINFIELD,
HENDRICKS COUNTY, INDIANA AS FOLLOWS:**

Section 1. Amendment

Pursuant to Docket No. RZ-11-001, (Wyatt-Singh) the real estate described in Exhibit "A" and "B" attached hereto and incorporated herein by this reference is hereby zoned to the "I-2" Office/Warehouse/ Distribution Industrial District classification of the Plainfield Zoning Ordinance.

Section 2. Severability

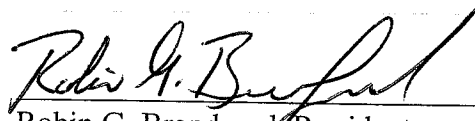
If any section of this Ordinance shall be held invalid by a court of competent jurisdiction, its invalidity shall not affect any other provisions of this Ordinance that can be given effect without the invalid provision, and for this purpose, the provisions of this Ordinance are hereby declared to be severable.

Section 3. Effective Date

This Ordinance shall be effective within the incorporated areas of the Town of Plainfield, Hendricks County, Indiana upon its adoption by the Town Council of the Town of Plainfield, as provided in I.C. 36-7-4.

Passed and adopted by the Town Council of the Town of Plainfield, Indiana, on this 24th day of Oct, 2011.

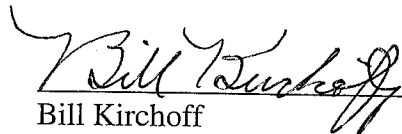
**TOWN COUNCIL, TOWN OF PLAINFIELD
HENDRICKS COUNTY, INDIANA**



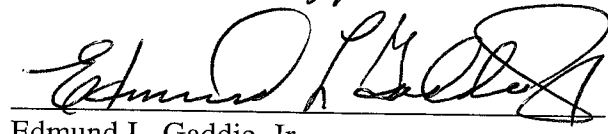
Robin G. Brandgard, President



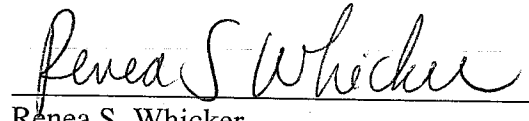
Kent McPhail



Bill Kirchoff

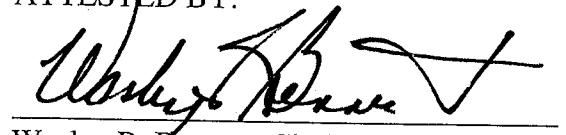


Edmund L. Gaddie, Jr.



Renea S. Whicker

ATTESTED BY:



Wesley R. Bennett, Clerk Treasurer, of the
Town of Plainfield, Indiana

Exhibit A

LEGAL DESCRIPTION
STEVEN W. & LINDA J. WYATT

A part of the West half of the West half of the Northwest quarter of the Northwest quarter of Section 20, Township 15 North, Range 2 East, bounded and described as follows, to-wit:
Beginning at the Northwest corner of the West half of the West half of the Northwest quarter of the Northwest quarter of said Section 20, Township and Range aforesaid, running thence South on the West line thereof 80 rods (1320 feet); thence East with section bearing 14 rods (231 feet); thence North parallel with the West line of said Northwest quarter 80 rods (1320 feet) and to the North line thereof; thence West 14 rods (231 feet) and to the place of beginning, containing 7 acres, more or less.

EXCEPT:

The North 45 feet of the above described real estate.
Said North 45 feet lies South of and adjoining the North line of Section 20, township 15 North, Range 2 East and contains 0.239 acres, more or less.

EXHIBIT B.

Plainfield
Planning & Zoning
DP RZ PUD PP BZA ILP SP

JUN 27 2011

APPROVED RECEIVED
BY _____

NOTE: The Town of Plainfield Zoning Ordinance, requires the use of this form in recording commitments made with respect to Development Plan Approvals, Zone Map Changes or Planned unit Developments in accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615.

COMMITMENTS CONCERNING THE USE OR DEVELOPMENT OF REAL ESTATE MADE IN CONNECTION WITH A DEVELOPMENT PLAN APPROVAL, ZONE MAP CHANGE OR PLANNED UNIT DEVELOPMENT REQUIRED BY THE TOWN OF PLAINFIELD ORDINANCE.

In accordance with I.C. 36-7-4-613 or I.C. 36-7-4-615, the owner of the real estate located in the Town of Plainfield, Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of the following described parcel of real estate:

LEGAL DESCRIPTION:

SEE LEGAL DESCRIPTION ATTACHED AS EXHIBIT "A".

STATEMENT OF COMMITMENTS:

1. C-I Development Standards shall be used for new development on the property.
2. A fifty-foot (50') set back shall be required along that portion of the east property line abutting the residential neighbor's property line for three hundred (300') feet south of the center line of CR 200 South; and a twenty-five foot (25') set back shall be required for the balance of the east property line; until such time as there are no abutting residential uses, at which time set backs shall be reduced to the Zoning Ordinance minimums.
3. With development, the landowner shall install a six-foot (6') privacy fence along that portion of the east property line abutting the residential neighbor's property line for a distance of three hundred (300') feet south of the center line of CR 200 South.
4. With development, the landowner shall install a minimum of ten (10) new trees along that portion of the east property line abutting the residential neighbor's property line for a distance three hundred (300') feet south of the center line of CR 200 South.

5. There shall be no more than twenty (20) tractor-trailers on the property per day and no refrigeration trailer units shall be operational while on the property as long as the abutting property has a residential use.
6. No commercial/industrial buildings associated with the trucking business may be constructed within three hundred feet (300') feet south of the center line of CR 200 South for as long as there is a residential use abutting the property line.
7. The landowner shall grant to the Town of Plainfield, upon request, up to thirty (30') feet of road right-of-way off and across the west line of the property for a future public road.
8. Substantial compliance with conceptual site plan dated April 25, 2011.

These COMMITMENTS shall run with the land, be binding on the Owner of the above-described real estate, subsequent owners of the above-described real estate and other persons acquiring interest therein. These COMMITMENTS may be modified or terminated by a decision of the Town of Plainfield Plan Commission made at a public hearing after the proper notice has been given.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition #RZ-11-001 pursuant to the Town of Plainfield Zoning Ordinance, and shall continue in effect until modified or terminated by the Town of Plainfield Plan Commission.

These COMMITMENTS may be enforced jointly or severally by:

1. The Town of Plainfield Plan Commission;
2. Owners of all parcels of ground adjoining the real estate to a depth of two (2) ownerships, but not exceeding six-hundred (600) feet from the perimeter of the real estate, and all owners of real estate within the area included in the petition who were not petitioners for approval.

The undersigned hereby authorizes the Secretary of the Town of Plainfield Plan Commission to record this COMMITMENT in the Office of the Recorder of Hendricks County, Indiana, upon final approval of petition #RZ-11-001.

IN WITNESS WHEREOF, owner has executed this instrument this ____ day of May 2011.

Signature Steven W. Wyatt

Printed: Steven W. Wyatt

Signature Linda J. Wyatt

Printed: Linda J. Wyatt

STATE OF INDIANA)
HENDRICKS COUNTY)

Before me, Notary Public in and for said County and State, personally appeared Steven W. Wyatt and Linda J. Wyatt, owner(s) of the real estate who acknowledged the execution foregoing instrument and who, having been duly sworn, stated that any representations therein contained are true.

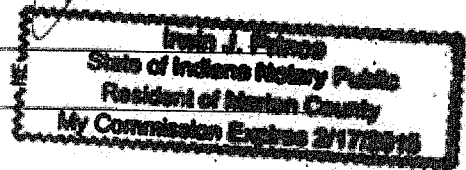
Witness my hand and Notarial Seal this 26th day of May 2011.



Signature Irwin J. Prince

Printed _____

County of Residence _____



My Commission expires:

I affirm, under penalties for perjury, that I have taken reasonable care to redact each Social Security number in this document, unless required by law, Ben Comer.

This instrument was prepared by Ben Comer, Attorney-at-Law, 71 West Marion Street, P.O. Box 207, Danville, Indiana 46122, telephone: (317) 745-4300.