

ORDINANCE NO. 2017- 55

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM PB/PLANNED BUSINESS DISTRICT TO AGR/AGRICULTURE RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 452/17: I-70 WEST, LLC, S26-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 3.19 ACRES, LOCATED WEST OF STATE ROAD 39 AND SOUTH OF EAST COUNTY ROAD 900 SOUTH.

**SECTION 1.** Be it ordained by the Board of Commissioners of the County of Hendricks, Indiana, that the Zoning Ordinance (2008-16) adopted on the 12th day of August in the year 2008, be amended so as to include in the AGR/Agriculture Residential District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 452/17: I-70 West, LLC., S26-T14N-R1W, 3.19 acres, Liberty Township, located west of State Road 39 and south of East County Road 900 South.

**SECTION 2.** As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 452/17: I-70 West, LLC, and the "Findings of Fact/Law" attached hereto and made a part hereof, and the Hendricks County Board of Commissioners having relied on those stipulations and required certain conditions of its own, does hereby adopt said "Findings of Fact/Law" as a part of this ordinance.

**SECTION 3.** All building or uses permitted and placed upon the described real estate shall fully conform with all the provisions of the County of Hendricks Zoning Ordinance and shall have obtained the proper permits.

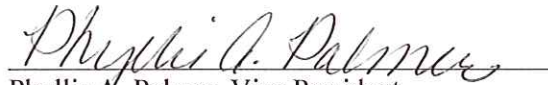
**SECTION 4.** This Ordinance shall be in full force and effect from and after its passage by the County Commissioners.

Approved by the Board of County Commissioners of Hendricks County, Indiana, the 26<sup>th</sup> day of December, 2017.

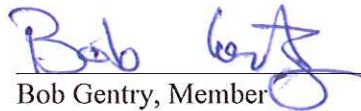
Board of Commissioners



Matthew D. Whetstone, President

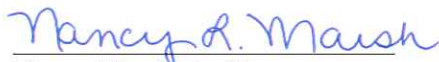


Phyllis A. Palmer, Vice President



Bob Gentry, Member

Attest:



Nancy Marsh, Auditor

**Hendricks County Area Plan Commission**  
Findings of Fact/Law  
ZA 452/17: I-70 West, LLC

An application for the above noted zoning map amendment was filed in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone a property from PB/Planned Business District to AGR/Agriculture Residential District. Acting in its role as staff to the Hendricks County Area Plan Commission, the DPB staff subsequently created a file containing all documentation of the request and made that file available for public inspection in the department's office at the Hendricks County Government Center.

In accordance with Indiana Code (IC) 5-3-1, the DPB staff published a legal notice in the *Hendricks County Flyer* and the *Darville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07(D)(1). The public hearing included the above zoning map amendment on its agenda.

In accordance with Section 3.07(D)(2) of the Rules of Procedure of the Hendricks County Area Plan Commission, the applicant also sent courtesy notices to certain surrounding property owners of record and other interested persons. A copy of this courtesy notice and a list of those receiving them were made a part of the file for this rezoning petition.

The Commission conducted the hearing as advertised and heard evidence and testimony on the above noted rezoning. Meeting in open session, the Commission subsequently considered the above noted request and its relationship to the requirements of IC 36-7-4 and the Hendricks County Zoning Ordinance. A tape recording of this proceeding has been on file and available to the public in the DPB office since the date of the hearing.

In its deliberations, the Commission weighed the evidence associated with the following requirements and made the following findings.

*IC 36-7-4-603: Zoning ordinance; preparation and consideration of proposals. In preparing and considering proposals under the 600 series, the plan commission and the legislative body shall pay reasonable regard to:*

**(1) The comprehensive plan;**

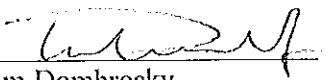
The Commission finds that the proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Planned Business. However, when this portion of property was recently rezoned from AGR to PB it was done in error, so in this case it is irrelevant that it does not match the Hendricks County Comprehensive Plan. The owner was still

planning to use this piece of property for agriculture use even zoned for Planned Business.

- (2) **Current conditions and the character of current structures and uses in each district;**  
The Commission finds that the proposed use will not negatively impact the district due to its proximity to surrounding agriculture uses and permits less intensive uses.
- (3) **The most desirable use for which the land in each district is adapted;**  
The Commission finds that the proposal does represent the most desirable use for which the land is adapted. The currently wooded property will remain in the same condition and use. Zoned PB, it is used a landscape buffer and zoned AGR it would remain a wooded area.
- (4) **The conservation of property values throughout the jurisdiction;**  
The Commission finds that the proposal does conserve property values in the jurisdiction by encouraging growth of agriculture and responding to County wide demands for more land for this use.
- (5) **Responsible development and growth.**  
The Commission finds that the proposal does represent responsible development and growth through agriculture uses.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12<sup>th</sup> day of December, 2017.

AREA PLAN COMMISSION  
HENDRICKS COUNTY, INDIANA

  
Tim Dombrosky

## ZONING AMENDMENT PROJECT DATA

<b>DATE</b>	December 12, 2017				
<b>AGENCY REVIEWS</b>	Hendricks County Board of Commissioners Hendricks County Area Plan Commission				
<b>PROJECT</b>	ZA 452	2017	I-70 WEST, LLC		
<b>REQUEST</b>	<b>EXISTING</b>	<b>PROPOSED</b>	<b>STAFF RECOMMENDATION</b>		
	PB	AGR	Continue		
<b>SURROUNDING LAND USE</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	Residence/Agriculture	Undeveloped	Residence/Agriculture	Residence/Agriculture	
<b>SURROUNDING ZONING</b>	<b>NORTH</b>	<b>SOUTH</b>	<b>EAST</b>	<b>WEST</b>	
	AGR	PB	AGR	PB	
<b>DESCRIPTION</b>	<b>AREA</b>	<b>TOWNSHIP</b>	<b>SECTION</b>	<b>OTHER</b>	
	3.19 ACRES	Liberty	S26-T14N-R1W		
<b>ROAD</b>	<b>ROAD</b>	<b>FUNCTIONAL CLASS</b>	<b>R/O/W</b>	<b>SETBACK</b>	
	S 900 S	Rural Collector	50' from CL	45' from ROW	
<b>SEWER AND WATER</b>	<b>SEWER</b>		<b>WATER</b>		
	Existing Onsite Sewage Treatment		Existing Groundwater Wells		
<b>RECENT ZONING AMENDMENTS IN THIS AREA</b>	<b>ZONING AMENDMENT</b>		<b>DETAILS</b>	<b>FROM</b>	<b>TO</b>
	448	17		AGR	PB
<b>COMPLIANCE</b>	This project has complied with the applicable application and/or notification requirements.				
	This project does not comply with the Hendricks County Comprehensive Plan.				

**-Staff Comments-**

**Background;**

The request concerns a property recently rezoned from AGR to PB (ZA 448/17). The applicant is requesting that 3.19 acres be rezoned back to AGR, as it was done in error. The use of the property will remain the same, a heavily wooded lot. As PB, it provided a natural landscape buffer and zoned as AGR it will remain a wooded lot.

**The comprehensive plan;**

The proposal does not substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Planned Business. However, when this portion of property was recently rezoned from AGR to PB it was done in error, the owner was still planning to use this piece of property for agriculture use even when it was rezoned for Planned Business.

**Current conditions and the character of current structures and uses in each district;**

The proposed use will not negatively impact the district due to its proximity to surrounding agriculture uses and permits less intensive uses.

**The most desirable use for which the land in each district is adapted;**

The proposal does represent the most desirable use for which the land is adapted. The currently wooded property will remain in the same condition and use. Zoned PB, it is used a landscape buffer and zoned AGR it would remain a wooded area.

**The conservation of property values throughout the jurisdiction;**

The proposal does conserve property values in the jurisdiction by encouraging growth of agriculture and responding to County wide demands for more land for this use.

**Responsible development and growth.**

The proposal does represent responsible development and growth through agriculture uses.

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**Other considerations;**

The proposal would not require development plan approval, as there are no plans for improvement at this time.

**-Staff Recommendation-**

Based on the information provided, staff recommends the Plan Commission recommend: **APPROVAL**.