

ORDINANCE NO. 2016-35

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM AGR/AGRICULTURE RESIDENTIAL DISTRICT TO PUD/PLANNED UNIT DEVELOPMENT DISTRICT, COMMONLY KNOWN AS ZA 443/16: NATIONAL TRANSPORTATION CENTER, S11,14-T14N-R1W, LIBERTY TOWNSHIP, PARCEL TOTALING 196.48 ACRES, LOCATED ON THE WEST SIDE OF STATE ROAD 39 AND SOUTH OF U.S. HIGHWAY 40.

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 PUD/Planned Unit Development District, the following described real estate located in the County of Hendricks, Indiana, namely: ZA 443/16: National Transportation Center, S11,14-T14N-R1W, 196.48 acres; Liberty Township, located on the west side of State Road 39 and south of U.S. Highway 40.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 443/16: *National Transportation Center*, 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" and "Development Commitment Recording Form" 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

22 day of November, 2016.

Board of Commissioners

Bob Gentry

Bob Gentry, President

Phyllis A. Palmer (may)

Phyllis A. Palmer, Vice-President

Matthew D. Whetstone

Matthew D. Whetstone, Member

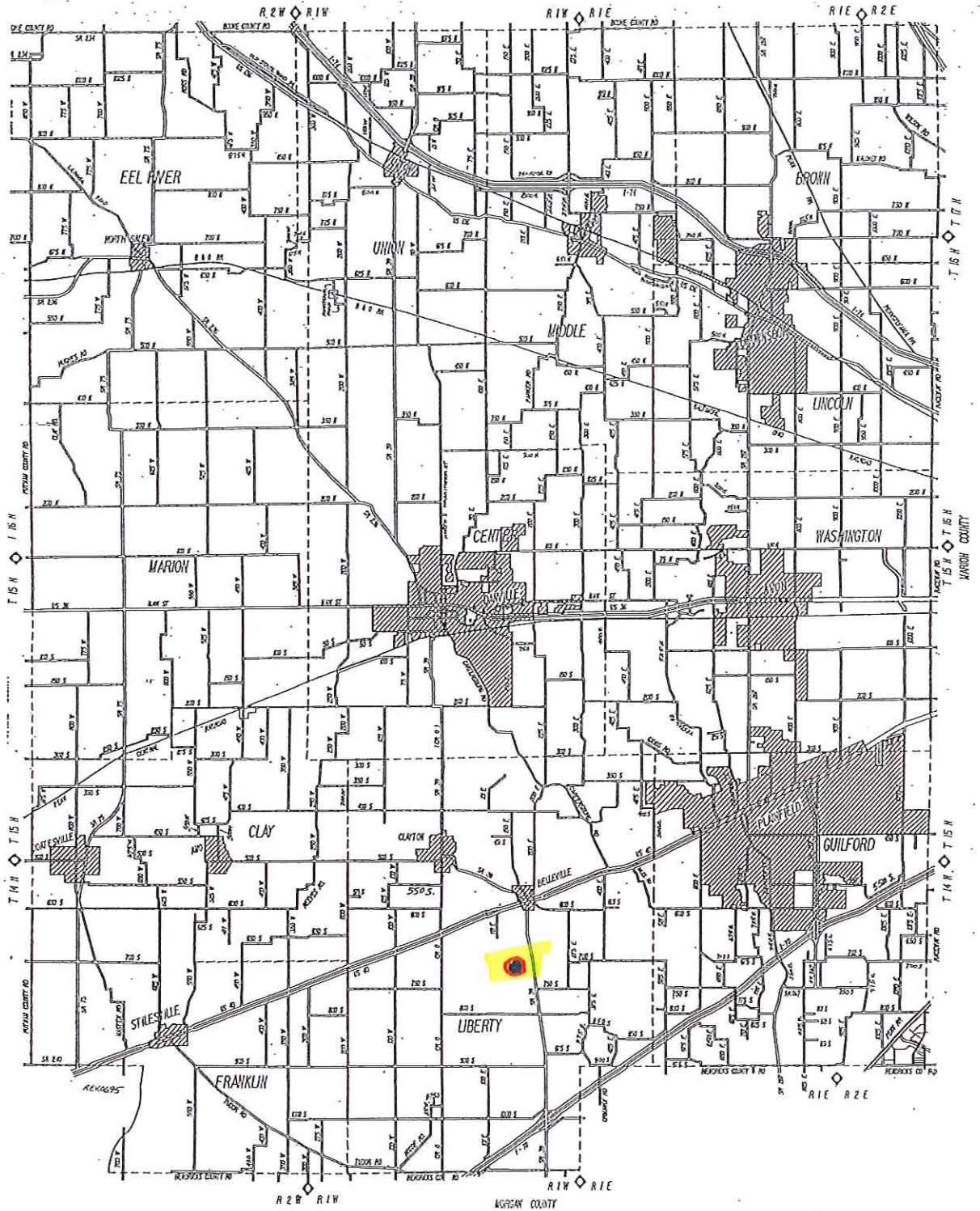
Attest:

Cinda Kattau

Cinda Kattau, Auditor

ZA 443/16

**National Transportation
Center**





TOWN OF PLAINFIELD

206 W. Main Street Plainfield, Indiana 46168
Phone (317) 839-2561 Fax (317) 838-5236
www.townofplainfield.com

TOWN COUNCIL

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KENT McPHAIL

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POLICE CHIEF

Darel Krieger

DIRECTOR OF PARKS & RECREATION

Clay Chafin

ATTORNEY

Melvin R. Daniel

November 4, 2016

Mr. Preston Harrison
National Transportation Center
5250 E US 36. 1100-7. PO 33
Avon IN. 46123

Dear Mr. Harrison:

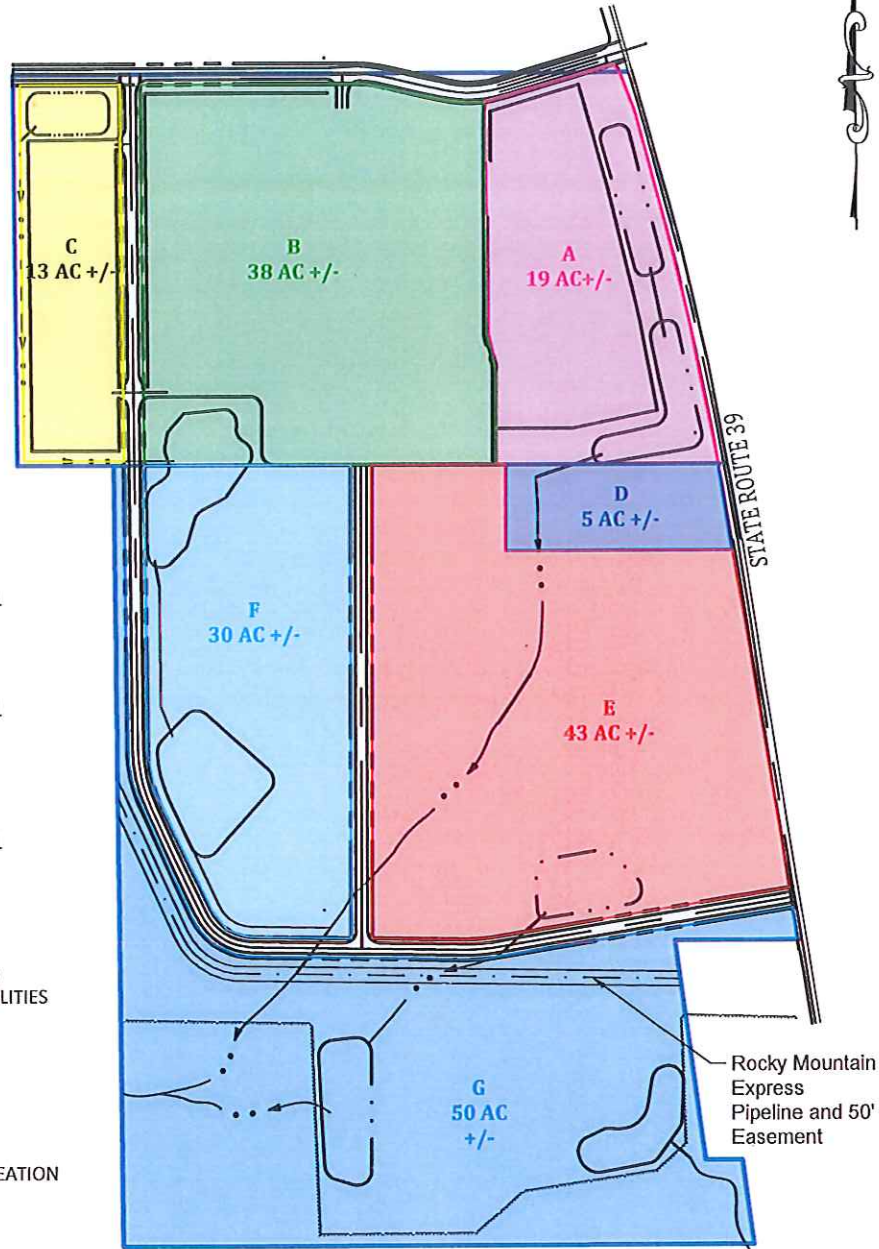
Thank you for meeting with us about Plainfield's possible participation in the National Transportation Center project on SR 39 by providing water and sewer services. The Town has been aggressive in working with companies to provide infrastructure that will enhance their potential for success while doing it a manner that is responsible to both our current utility rate-payers while looking to future expansion to capture additional business.

With regards to your project, the Town Council considered the matter at their regular meeting on October 24. Plainfield is willing to serve the project subject to reaching an agreement with you or your development company covering the manner and means of completing connection with the town systems.

We look forward to the opportunity to work with you on this project. If you have any questions, please do not hesitate to Tim Belcher, our Town Engineer, at (317) 754-5396.

Sincerely,

Robin G. Brandgard, President
Plainfield Town Council



AREA A
ALLOWABLE USES:
RESIDENTIAL
INSTITUTIONAL
COMMERCIAL
LIGHT INDUSTRIAL

AREA B
ALLOWABLE USES:
COMMERCIAL
LIGHT INDUSTRIAL
INSTITUTIONAL

AREA C
ALLOWABLE USES:
COMMERCIAL
LIGHT INDUSTRIAL
INSTITUTIONAL
RESIDENTIAL

AREA D
ALLOWABLE USES:
PUBLICLY-OWNED
BUILDINGS & FACILITIES
COMMERCIAL
RESIDENTIAL

AREA E
ALLOWABLE USES:
RESIDENTIAL
INSTITUTIONAL
PARKS AND RECREATION
COMMERCIAL

AREA F
ALLOWABLE USES:
RESIDENTIAL
INSTITUTIONAL
COMMERCIAL
PARKS & RECREATION

AREA G
ALLOWABLE USES:
PARKS & RECREATION
COMMERCIAL
INSTITUTIONAL
RESIDENTIAL

Rocky Mountain
Express
Pipeline and 50'
Easement

RECEIVED

OCT 28 2016

**HENDRICKS COUNTY
PLANNING & BUILDING DEPARTMENT**

	ZONING BUBBLE PLAN NATIONAL TRANSPORTATION CENTER	DATE: <u>09-30-16</u>
	CLAYTON, INDIANA HENDRICKS COUNTY	JOB#: <u>15198P</u> DRAWN BY: <u>MJB</u> CHECKED: <u>JB</u> REVISED: <u>10-28-16</u> SCALE: <u>1"=500'</u>

Development Commitment Recording Form

Area Plan Commission of Hendricks County, Indiana

Section 12.04 of the Zoning Ordinance for Hendricks County, Indiana, requires the use of this form in recording commitments made with any Area Plan Commission approval, in accordance with Chapter 12, and I.C. 36-7-4-1015.

In accordance with I.C. 36-7-4-1015, the owner of the real estate located in Hendricks County, Indiana, which is described below, makes the following COMMITMENTS concerning the use and development of that parcel of real estate:

Property Owner: National Transportation Center Properties, LLC

Deed Information: 201613863 and _____

RECEIVED

Legal Description:

See attached "Exhibit A"

NOV 02 2016

Statement of COMMITMENTS:

HENDRICKS COUNTY
PLANNING & BUILDING DEPARTMENT

1. See attached Exhibit "B"

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

With acceptance of these COMMITMENTS, the Hendricks County Area Board of Zoning Appeals does not relinquish its right to change certain uses and conditions if the public's health or safety is at immediate risk.

COMMITMENTS contained in this instrument shall be effective upon the approval of petition # _____ pursuant to the Zoning Ordinance, and shall continue in effect or until modified or terminated by the Hendricks County Area Plan Commission.

EXHIBIT B

LIST OF ALLOWED USES

AGRICULTURAL

Agricultural use, low intensity

RESIDENTIAL

Dwelling, multi-family (dormitory for student/faculty housing only)
Dwelling, part of a mixed-use structure (dormitory for student/faculty housing only)

COMMUNICATIONS

Wireless communications facilities

INSTITUTIONAL

Educational institution (Private), excluding p-12
Community Center
Health care facilities
Places of Worship
Publicly Owned Buildings and Facilities

PARKS AND RECREATION

Recreation, active and passive

COMMERCIAL

Filling station
Motor Vehicle repair and service, major and minor
Conference/convention center
Entertainment complex
Retreat Center
Commercial Services
Fitness Center
Hotels/motels

Administrative/professional office
Bank/financial/investment institution
Employment service
Coffee shop
Microbrewery/brewpub
Restaurants
Retail, small and medium scale

LIGHT INDUSTRIAL

Manufacturing (light)
Research and testing laboratories
Tool and die shop
Warehouse and distribution facility

Footnote: In addition to permitted uses listed above, any other use that supports the purpose of this Ordinance, as determined by the Plan Commission, is permitted.

LIST OF SPECIFIC DEVELOPMNT STANDARDS

Except for specific development standards stated below, all allowed uses shall conform to the respective development standards as set forth in the 2008 Hendricks County Zoning Ordinance, as follows:

I.

PUD USE

APPLICABLE SECTION FROM 2008 COUNTY ZONING ORDINANCE

Agricultural	AGR
Communications	MI
Institutional	GB
Parks and Recreation	GB
Commercial	GB
Light Industrial	LI

Residential

- a. Multi-Family RE, except that each dormitory unit shall be a minimum three hundred (300) square feet of living space.
- b. Mixed-use structure GB, except that any dormitory unit shall be a minimum three hundred (300) square feet of living space.
- c. All residential living units shall be limited to one-bedroom student and faculty housing within dormitory (multi-family or mixed-use) structures. Individual living units may include kitchen and bathroom facilities.
- d. There shall be no more than 1,250 living units within the PUD.

II. Set Backs.

- a. Along the west and south perimeter property lines of the PUD project, setbacks for any use may be a minimum of fifty feet (50'), but no less than fifty feet.
- b. Along the east perimeter property line of the PUD project, building setbacks shall be measured from the centerline of State Road 39. Building setbacks along said East perimeter line for any use shall be a minimum of one hundred eighty feet (180') from the current center line of State Road 39 as existing on approval of this PUD.
- c. Minimum Distance Between Structures on Same Lot. Because this is a mixed-use PUD, multiple buildings on the same lot are expected. In such cases, Setbacks between buildings shall be measured using the points of shortest distance on the exterior facades of two structures to determine the minimum separation. Distances between buildings on the same lot shall meet the following minimum standards:
 - (i) If buildings of the same use or district are attached, a zero-lot-line development standard is allowed.
 - (ii) Ten (10) foot separation between all structures, except industrial structures.
 - (iii) Twenty (20) foot separation between all industrial structures.

(iv) Eighty (80) foot separation between any industrial structure and a structure of a differing use. For clarification purposes, LI and MI structures must be separated from all other uses by a minimum of eighty feet.

- d. Setbacks from a roadway internal to the PUD project area, whether public or private, shall be a minimum of ten (10) feet from the edge of pavement.

III. Landscaping Standards.

- a. Landscaping standards from the Hendricks County Zoning Ordinance shall apply. If no property lines are located between dissimilar uses, County buffer yard landscaping standards shall be applied as if a property line existed.

IV. Flex Space.

- a. Any of the allowed PUD uses may be inserted within Flex Space shown on the Concept Plan . Development standards stated above shall be implemented based on use.
- b. Any section of the PUD development (i.e. Work Center, Campus, Rehabilitation, Patriots Village), as stated in the Letter of Intent and as shown on the Concept Plan, may be increased or decreased by up to twenty percent (20%) of the initial stated acreage, depending on final build-out of the project.

V. Private Streets.

- a. Internal private streets are allowed within the PUD project area, and individual uses located on internal private streets shall not be required to abut a public right-of-way.
- b. All private streets shall be included within a recorded Access Easement area, so that all individual uses have legal access to a public right-of-way.
- c. The Access Easement shall contain provisions for private maintenance.

- d. All private streets shall conform to the following standards and specifications: to be addressed in the project's Primary Development Plan, to the satisfaction of the Hendricks County Engineer's Office.

- VI. Building Height. Maximum building height in Area E, as designated on the Zoning Bubble Plan, shall be seventy-five (75) feet.

- VII. Miscellaneous.
 - a. Petitioner recognizes a certain Right of Way Easement in favor of Jerry Lee Bowman, as recorded May 10, 1994 in Miscellaneous Record 141, page 491. Such easement will be addressed in the project's Primary Development Plan.

 - b. Petitioner recognizes a certain Pipeline Easement in favor of Rockies Express Pipeline LLC, a Delaware limited liability company, recorded August 19, 2008 as Instrument Number 200810789. Such easement will be addressed in the project's Primary Development Plan.

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 443/16: National Transportation Center

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 AGR/Agricultural, Residential District to PUD/Planned Unit Development 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 *Danville Republican*. This notice advertised the public hearing scheduled in conformity with the Hendricks County Area Plan Commission Rules of Procedure Section 3.07. 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 substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Suburban Residential which may also include institutional uses such as educational facilities, and may contain neighborhood serving mixed-use developments.

- (2) Current conditions and the character of current structures and uses in each district;**
The Commission finds that the proposal does no harm to the current conditions and character of current structures and uses in the district because of its interior focus and adherence to standard setbacks and buffer yards.
- (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, as the development's direct access to a state road and nearby utilities presents high development potential. This development will also likely increase nearby land values by increasing their potential for development.
- (4) The conservation of property values throughout the jurisdiction;**
The Commission finds that the proposal does conserve property values in the jurisdiction. The project can maximize nearby transportation and employment resources while remaining innocuous from nearby residential areas. In addition, the density of the development will preserve nearby agricultural land values.
- (5) Responsible development and growth.**
The Commission finds that the proposal does represent responsible development and growth. It is in an area where the County has planned for growth, and where any negative impact can be mitigated.

In accordance with Indiana Code (IC) 36-7-4-1506, a text amendment was presented as part of the petition.

For all the foregoing reasons, the Commission recommended approval of this request for a preliminary zoning map amendment on the 9th day of November, 2016.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP