

ORDINANCE NO. 2016-03

AN ORDINANCE TO AMEND THE ZONING MAP OF HENDRICKS COUNTY, FROM PUD/PLANNED UNIT DEVELOPMENT DISTRICT TO AGR/AGRICULTURE RESIDENTIAL DISTRICT, COMMONLY KNOWN AS ZA 376/16: FOXHAVEN PUD ABANDONMENT & REZONING, S18,19-T17N-R2E, BROWN TOWNSHIP, PARCEL TOTALING 324 ACRES, LOCATED ON THE NORTH AND SOUTH SIDES OF COUNTY ROAD 1000 NORTH BETWEEN COUNTY ROAD 950 EAST AND COUNTY ROAD 1075 EAST.

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 376/16: Foxhaven PUD Abandonment & Rezoning, S18,19-T17N-R2E, 324 acres, Brown Township, located on the north and south sides of County Road 1000 North between County Road 950 East and County Road 1075 East.

SECTION 2. As inducement for this Zoning Map Amendment, all terms found in the conditions for approval of ZA 376/16: *Foxhaven PUD Abandonment & Rezoning*, 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 26th day of January, 2016.

Board of Commissioners

Bob Gentry
Bob Gentry, President

Phyllis A. Palmer
Phyllis A. Palmer, Vice-President

Matthew D. Whetstone
Matthew D. Whetstone, Member

Attest:

Cinda Kattau
Cinda Kattau, Auditor

Hendricks County Area Plan Commission

Findings of Fact/Law

ZA 376/16: Foxhaven PUD Abandonment and Rezoning

Having declared the Foxhaven PUD (PUD 376/06) abandoned under Hendricks County Zoning Ordinance Section 6.9 PUD Abandonment, an application for the above noted zoning map amendment was filed by the Hendricks County Area Plan Commission itself in the office of the Hendricks County Department of Planning and Building (DPB). That application sought to rezone property from PUD/Planned Unit Development to AGR/Agriculture Residential. 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(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 substantially comply with the recommendations of the Hendricks County Comprehensive Plan. The Comprehensive Plan designates this area for Rural Residential land uses. Downzoning the land under

consideration from PUD to AGR as proposed will cause it to better fit within the existing rural residential character of the area.

(2) Current conditions and the character of current structures and uses in each district;

The Commission finds that the proposed downzoning is consistent and compatible with the character of current structures and uses in the zoning district. The establishment of the proposed AGR zoning will not substantially change the nature of the already-AGR zoned area with its long-established residential and agricultural land 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 property under consideration is located within a well-established agricultural and rural residential neighborhood which is already zoned AGR. The proposed AGR zoning is entirely compatible with both the existing and Comprehensive Plan-recommended future land use patterns.

(4) The conservation of property values throughout the jurisdiction;

The Commission finds that the proposal does conserve property values in the jurisdiction. The establishment of AGR zoning in this already-AGR zoned rural residential area is consistent with current residential and agricultural uses and will have no deleterious effect on property values.

(5) Responsible development and growth.

The Commission finds that the proposal does represent responsible development and growth. The proposed downzoning to the AGR zoning district is consistent and compatible with the land use recommendations of the Comprehensive Plan for future growth and with existing land use patterns in the area.

For all the foregoing reasons, the Commission recommends approval of this request for a zoning map amendment on the 12th day of January, 2016.

AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA



Don F. Reitz, AICP
Secretary

**FINDING OF FACT
HENDRICKS COUNTY AREA PLAN COMMISSION
HENDRICKS COUNTY, INDIANA**

WHEREAS, Hendricks County Area Plan Commission shall in all cases heard by it make written findings of fact which support their determinations in accordance with Indiana Code 36-7-4-306; and

WHEREAS, the Hendricks County Area Plan Commission has held a public hearing and has given consideration to application ZA 376/16: FOXHAVEN PUD ABANDONMENT & REZONING and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the comprehensive plan entitled "*Growing Smarter, The Hendricks County Quality Growth Strategy*," adopted December 19, 2006, established under Indiana Code 36-7-4-500 and that such a plan provides development policy within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County Zoning Ordinance, adopted August 12, 2008, effective October 1, 2008, established under Indiana Code 36-7-4-600 and that such an ordinance for development, through zoning, of the County of Hendricks, Indiana, provides for enforcement and penalties for the violation thereof; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their conformance with the Hendricks County Subdivision Control Ordinance, adopted December 21, 2004 established under Indiana Code 36-7-4-700 and that such an Ordinance provides for the subdivision of land within Hendricks County; and

WHEREAS, the Hendricks County Area Plan Commission has given consideration to the above referenced application for their compliance with the recommendations, stipulations or any necessary conditions, listed below, requested by the public, planning staff or any Area Plan Commission member(s);

SUBJECT TO THE FOLLOWING:

1. CONDITIONS & RECOMMENDATIONS IN STAFF'S MEMORANDUM DATED DECEMBER 30, 2015 AND UNDER THE HENDRICKS COUNTY ZONING ORDINANCE SECTION 6.9 PUD ABANDONMENT.

WHEREAS, the proposed zoning amendment: ZA 376/16: FOXHAVEN PUD ABANDONMENT & REZONING

- a. Will not adversely affect the elements of the Hendricks County comprehensive Development Plan;

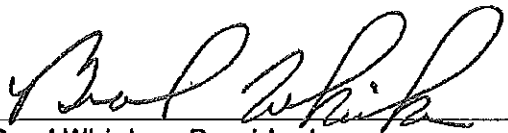
THEREFORE BE IT RESOLVED, the Hendricks County Area Plan Commission APPROVED the FOXHAVEN PUD ABANDONMENT

for ZA 376/16: FOXHAVEN PUD ABANDONMENT & REZONING

on this date JANUARY 12, 2016.

FOREGOING RESOLUTION, submitted by MR. GENTRY
and seconded by MRS. JOHNSTON.

<u>Members</u>	<u>For</u>	<u>Against</u>	<u>Abstained</u>
Brad Whicker	<u>X</u>	<u>0</u>	<u>0</u>
Angie Tilton	<u>X</u>	<u>0</u>	<u>0</u>
Sonnie Johnston	<u>X</u>	<u>0</u>	<u>0</u>
Walt O'Riley	<u>X</u>	<u>0</u>	<u>0</u>
Bob Gentry	<u>X</u>	<u>0</u>	<u>0</u>
Doug Sisk	<u>X</u>	<u>0</u>	<u>0</u>
Damon Palmer	<u>0</u>	<u>0</u>	<u>0</u>
Total	<u>6</u>	<u>0</u>	<u>0</u>



Brad Whicker, President



Don F. Reitz, AICP, Secretary